

KASHMIR

M. C. CHAGLA'S SPEECHES IN
THE SECURITY COUNCIL

PUBLICATIONS DIVISION



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1980
11/5/72
115794



PUBLICATIONS DIVISION
Ministry of Information and Broadcasting
Government of India

March 1964 (Phalguna 1885)

NOT FOR SALE



PUBLISHED BY THE DIRECTOR, PUBLICATIONS DIVISION, DELHI-6, AND
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, FARIDABAD

These two speeches were delivered in the UN Security Council on 5 and 10 February, 1964, by the Indian Representative, Shri Mahomedali Currim Chagla, Union Minister of Education, when Pakistan, as has been said, brought up the matter in one of its "periodic Kashmir phases". The speeches (taken from the uncorrected records of the Security Council) constitute an unanswerable summing up of the legal validity and moral rightness of the Indian stand.

SHRI M. C. CHAGLA'S SPEECH IN THE SECURITY COUNCIL ON 5 FEBRUARY, 1964

Pakistan's Application : Culmination of Hate Campaign

The Security Council is perhaps the most important organ of the United Nations. Every Member-State has a right to approach it. But it must approach it with a due sense of responsibility. It is not intended as a platform for propaganda against any Member-State. Nor is it obviously meant for creating tensions in a world where there are already more than enough difficulties and problems. I propose to satisfy you that there was no justification whatsoever for Pakistan to have taken up the time of this Council. Pakistan's application constitutes the culmination of the campaign of hatred that it has ceaselessly carried on against India. The basic principle of its international policy is opposition to India on every front and, as the *London Times* recently observed, "The loadstone of every aspect of Pakistan's foreign policy is bad relations with India." Its approach to the Council is purely an agitational approach. Its desire is to use the forum of the Security Council to carry on its agitation against my Government and my country.

We sat at this Council table listening patiently to the statement of the Foreign Minister of Pakistan to find some reason for the convening of this meeting and into what its deliberations are likely to lead. I confess that after having heard the statement of the representative of Pakistan, my delegation and my Government continue to hold the view that there was no reason for convening the Security Council because no new situation has arisen to aggravate the existing conditions in Jammu and Kashmir.

Pakistan's application reads like a horror story. We are told that the Muslim majority in Kashmir is in great peril by India's attempt at so-called "integration or annexation" of Kashmir; that large Muslim crowds have been demonstrating against India and in favour of a plebiscite; that Kashmir is in "open rebellion"; that the Kashmiris are being crushed under the heel of India and

that terrible things will happen there unless something is done immediately. I shall satisfy you that all this is a figment of a vivid imagination.

Pakistan has pretended to show a great solicitude for the Muslims living in India, and the Foreign Minister of Pakistan has stated that hundreds of thousands of Indian Muslims have been pushed out into East Pakistan. When Pakistan talks of the Muslim minority, it gives one the impression that we are dealing with a few thousands or a few hundreds of thousands of people in a large country tucked away in some far corner and surrounded by a large mass of Hindu population.

Now let me inform the Council that Muslims are not a minority in the ordinary sense of the term. They constitute 50 millions of the population of India. India is the third largest Muslim State in the world—the first being Indonesia and the second Pakistan. They are sons of the soil, they are Indian by race and they enjoy all the rights of citizenship. Every office is open to them, and in fact many of them hold the highest offices in the land. Our civilization is a synthesis of many diverse cultures and the Muslim contribution is one of the most significant. Ours is a secular State and an egalitarian society where everyone enjoys equal rights and equal opportunities and equal protection of the law. We have no official religion. Hindus, Muslims, Christians, Buddhists, Sikhs, Parsis and others have full freedom of worship, and fundamental rights under the Constitution are guaranteed to every citizen. We have no first-class and second-class citizenship. Before the law everyone is equal.

Many of our differences with Pakistan are due to the fact that there is this basic difference between our policy and that of Pakistan. While we have based our State on secularism, which means that there is no established church and everyone is entitled to profess and practise his religion without let or hindrance from the State, Pakistan is a theocratic State. When the leaders of the Muslim League demanded partition of the country, the demand was based on the two-nation theory. Their contention was that Hindus and Muslims were separate nations and were entitled to have a homeland of their own. We recognize India and Pakistan as two nations, but we have repudiated

the two-nation theory based on religion and it is abhorrent to us. If Hindus and Muslims constitute two nations, then the inevitable result must follow that the 50 million Muslims in India are aliens in their own homes. We refuse to subscribe to the theory that religion can be the sole basis of nationality. We believe in a multi-racial, multi-communal and multi-linguistic society, and according to us, peace and goodwill in this world depend upon the success of such a society. I am sure that this sentiment will strike a sympathetic chord in the hearts of many African countries which have recently achieved independence. Most of them have populations which practise different religions. The same is the case with many West Asian countries, and in the United States itself a brave attempt is being made to consolidate and integrate its different racial groups.

Indian Muslim Opinion behind India

Is it not extraordinary that while Pakistan is shouting itself hoarse as a self-appointed guardian of Indian Muslims, Muslim opinion in India has always strongly endorsed the policy of my Government?

May I, with the President's permission, read three quotations from three Muslim newspapers in India? They were written in Urdu, but I have the translations.

The first is from the *Siasat-e-Jadid* of Kanpur dated 16 January, which states:

"The Pakistani authorities and journalists make an exhibition of great sympathy for the Indian Muslim minority and bewail their plight through speeches and writings, without ever realizing that it is for their verbal and written intemperances and provocations that the Muslims have to suffer. Indian Muslims . . . want to tell these foolish friends frankly that they should for God's sake leave them alone."

The *Nai Duniya* of 21 January, states:

"Pakistani newspapers, leaders and radio played up the theft of the holy hair in a manner so as to excite the feelings of the majority. If the newspapers, the radio and the leaders of Pakistan had not behaved in this irresponsible manner, the mischief-mongers of Khulna and Jessore would never have dared to attack the life and property of Hindus."

These two places are in Eastern Pakistan.

The third quotation is from the *Musalman* of Madras, dated 18 January, which says that :

"The trouble which started in Kashmir following the theft of the sacred hair should have remained localized but it is to be regretted that Pakistani citizens thoughtlessly created disturbances over it and subjected the innocent non-Muslim minority there to tyranny. This led to Hindu-Muslim riots in Calcutta and the innocent Muslim minority of Calcutta had to suffer."

One might ask oneself : what does Pakistan seek to achieve by its anti-Indian crusade, its campaign of scurrilous abuse and hatred of India ? Is it helping the Muslims of India, in exciting communal passions, fanning the flames of fanaticism and intolerance, and is preaching *Jehad*—holy war—helping the cause of Muslims in India ? May I observe in passing that no war is holy and that every war is cruel, blood-thirsty and the cause of terrible suffering and distress. No, I do not think Pakistan is so unsophisticated as all that. It wants to see discord and turmoil in India—it wants India to be politically and economically weakened so that it can get an opportunity to continue further its present illegal occupation of a part of territory which by international law is as much a part of Indian territory as Bombay or Delhi is. It is already thereby playing the Chinese game of weakening India internally and undermining its defence against China. I wish to make it clear on behalf of my Government that nothing, and, I repeat, nothing will induce any Government in India, whatever be its party affiliations, to sign the death warrant of the unity, integrity, and solidarity of the country.

Nothing to Justify Pakistan's Approach

I said earlier that nothing has happened recently to justify Pakistan's approach to the Security Council. We are told in the letter addressed to the President of the Security Council dated 16 January, 1964, that a grave situation had arisen in the State of Jammu and Kashmir, and that this was the direct consequence of the "unlawful steps" that the Government of India

was continuing to take in order to destroy the special status of the State of Jammu and Kashmir, that this was a part of India's design to annex Jammu and Kashmir to India and that the Government of India was deliberately set on defying the Security Council and on integrating Jammu and Kashmir with the Indian Union. This is not a new complaint. A similar complaint was made by Pakistan in June 1949 following a decision of the Constituent Assembly of India to reserve four seats for the representatives of Jammu and Kashmir in the Indian Parliament. The United Nations Commission had then refused to take any action in the matter on the ground that it was difficult to oppose the measure of the Government of India on purely legal grounds. Similar complaints had been made by Pakistan every time some changes had been made. In regard to the present complaint, it is relevant to point out that this had already been conveyed to the Security Council by the permanent representative of Pakistan in a letter dated 9 October, 1963. India replied to this letter on 13 November, 1963. The permanent representative of Pakistan addressed another letter on 5 January, 1964 raising the same complaints. Nothing new has happened since then to justify the demand contained in the letter of the Foreign Minister of Pakistan dated 16 January, 1964 for an immediate meeting of the Security Council to consider the grave situation stated to have arisen in the State of Jammu and Kashmir.

The Princely States' Accession—the Background

Let me deal, at some length, with this charge of Pakistan that we are trying to "annex" or "integrate" Kashmir into the Indian Union. It is beyond doubt that legally and constitutionally when the Ruler of Kashmir executed the Instrument of Accession to India and Lord Mountbatten, the then Governor-General of India, accepted the Instrument, the whole of Kashmir became an integral part of the Union of India. It is necessary to look at the political and constitutional position prevailing in the sub-continent of India on the eve of Independence. There was British India over which the United Kingdom exercised complete sovereignty. There were also more than 560 Princely States which were semi-independent and which were protected by the

United Kingdom by a doctrine known as paramountcy. The meaning of this doctrine was that the King of England and Emperor of India was the paramount lord as far as these princes were concerned and, in return for the fealty pledged by them, the King-Emperor gave them protection. When the Indian Independence Act was passed by the British Parliament, British power was transferred to the people of India as far as British India was concerned and Britain also put an end to paramountcy, leaving it to the princes to arrive at such arrangements as they thought proper with the Governments of India and Pakistan. At the same time, India was partitioned, a part of the country seceding to constitute itself into Pakistan. But the present Government of India was the successor Government to the Government of the United Kingdom. Pakistan was a new State which came into existence. It was also provided that it was open to every Princely State to accede either to India or to Pakistan. The law did not provide that the Instrument of Accession could be conditional. Once the accession was accepted either by the Governor-General of India, or of Pakistan, the particular Princely State became an integral part of one or the other of the two Dominions. It is significant to note that there was no provision for consulting the people of the Princely State concerned. Nor was there any provision that the accession had to be ratified by ascertaining the wishes of the people of the acceding State. Leaving aside for a moment the question of Jammu and Kashmir, several Princely States under this law acceded to India or Pakistan. It has never been suggested either by India or Pakistan that these accessions are, in any way, incomplete or require some action to be taken before they become conclusive. It is only in the case of Jammu and Kashmir that Pakistan has shown such laudable zeal in the sacred cause of democracy and self-determination !

It has also to be remembered that the partition of India was confined to British India and that in drawing the lines of the frontier, questions of Muslim majority provinces were taken into consideration only with regard to British India. There was no question whatsoever with regard to the religious complexion of the population of the Princely States. The question whether one Princely State should accede to India or Pakistan was left to

the determination of the Ruler of the State. Pakistan has often put forward a proposition that the State of Jammu and Kashmir by reason of its large Muslim majority and of the fact that Pakistan came into existence as a Muslim State should naturally form part of Pakistan. This is a wholly erroneous view of the legal and constitutional position.

The British Government had made it quite clear that the partition was only of British India and that this principle did not apply to those States such as Kashmir and several hundred others, which were ruled by Indian princes. I quote from the British Government's announcement of 3 June, 1947, which said :

"His Majesty's Government wish to make it clear that the decisions announced above (about partition) relate only to British India and that their policy towards Indian States contained in the Cabinet Mission's Memorandum of 12 May, 1946, remains unchanged."

The Cabinet Mission's memorandum reads as follows :

"His Majesty's Government will cease to exercise the power of paramountcy. This means that the rights of the States which flow from their relationship to the Crown will no longer exist and that all the rights surrendered by the States to the paramount power will return to the States. Political arrangements between the States on the one side and the British Crown will thus be brought to an end. The void will have to be filled either by the States entering into a federal relationship with the successor Government or Governments in British India, or, failing this, entering into particular political arrangements with it or them."

Provision for accession was made in the Government of India Act of 1935 as adapted under the Indian Independence Act of 1947 :

"An Indian State shall be deemed to have acceded to the Dominion if the Governor-General has signified his acceptance of an Instrument of Accession executed by the Ruler thereof."

These were Acts of the British Parliament which created the Dominions of India and Pakistan. None of the provisions of these Acts can be questioned, at least by India, Pakistan or the United Kingdom, which were parties to this agreement.

It was entirely for the Ruler of Jammu and Kashmir to decide, taking all factors into consideration—the factor of contiguity, the factor of communications, the factor of economic ties and others—whether it would be beneficial for the State to be part of one Dominion or the other. The question of religion did not come into play at all. As a matter of historical fact, although the communal question assumed a large and unfortunate proportion in British India and was the platform on which the Muslim League based its policy, the people of the Princely States, particularly Kashmir, although they suffered from many other disabilities and infirmities, did not suffer the disastrous consequences of religious hatred or intolerance.

Therefore, there is no substance in the suggestion that the accession of Jammu and Kashmir was not complete and absolute because the people of that State had not been consulted nor been given the opportunity to express their choice. It is clear that international law does not require that a treaty concluded by the Ruler of a State, and with the mutual consent of the contracting parties, a treaty which is otherwise valid and binding, should be referred to the will of the people before it takes effect. There is no doubt, and I do not think that Pakistan can dispute it, that the Government of the Maharaja of Kashmir was recognized by Pakistan. It was with this Government that Pakistan concluded a Standstill agreement by the exchange of telegrams on 12 and 16 August, 1947. At the time the Government of Pakistan had not questioned whether the Government of the Maharaja was capable of expressing the will of the people nor had it doubted the validity of the agreement. It is thus clear that international law does not require that the party to an agreement should look behind a recognized Government with whom it contracts to see that the agreement has been arrived at by prior consultation with the people. In fact, as I shall mention later, the accession was also supported by the largest political party in Kashmir.

Events Leading to Accession of Jammu and Kashmir to India

I shall briefly deal with the events and developments in Jammu and Kashmir and see whether these have, in any way, affected the legal and constitutional position. I hope to satisfy the Council that they have not, in the slightest degree. Jammu and Kashmir became an integral part of India when the Instrument of Accession was signed and accepted, and from that day till today it continues to occupy the same position vis-a-vis the Indian Union and no question can possibly arise of annexing Kashmir or further integrating it into the Indian Union. You cannot make more complete what is already complete.

The distinguished Foreign Minister of Pakistan has said nothing new on the legal aspect of the accession of Jammu and Kashmir to India. He has repeated the same mixture of mis-statements, omissions of material facts and the refusal to face up to the clear provisions of the Indian Independence Act. I do not wish to enter into the details of our case, which is well known to the Security Council. It was last set out at length in 1962. I shall content myself with drawing attention to salient points.

Pakistan's Pressure Tactics and the Tribal Raids

Unlike most of the rulers who had acceded to India or Pakistan before 15 August, 1947, the Ruler of Kashmir did not make up his mind. Pending a decision on accession, he asked for a Standstill agreement both with India and with Pakistan in regard to communications, supplies and post and telegraph arrangements which had always been interlinked with British India. Pakistan concluded the Standstill agreement, but before a Standstill agreement with India could be concluded tribal raids started. Despite the Standstill agreement, Pakistan cut off communications and stopped the supply of essential commodities, thereby putting undue pressure on Kashmir. When this pressure failed, armed invasion by nationals of Pakistan and tribal raiders followed. The Ruler's appeals to Pakistan were of no avail. The raiders caused havoc in different parts of Kashmir. The Kashmir State troops were incapable of offering effective resistance to such a large body of raiders. Events

moved with great rapidity and the threat to the Valley of Kashmir became grave. Unable to prevent the raiders from committing large-scale killings, loot and arson, the ruler requested the Government of India that the State of Jammu and Kashmir should be allowed to accede to the Indian Dominion. An appeal for help was also simultaneously received by the Government of India from the National Conference, which was the largest popular organization in Kashmir and which had fought for the people's rights and agitated for freedom of Kashmir from the rule of the Maharaja. The Conference also supported the request for the State's accession to India. May I draw the attention of the Council to what was stated by Sheikh Abdullah, who was then the leader of the Jammu and Kashmir National Conference, and about whom we have heard such laudatory remarks by the distinguished Foreign Minister of Pakistan? This is what he said :

"When the raiders were fast approaching Srinagar we could think of only one way to save the State from total annihilation, by asking for help from a friendly neighbour. The representatives of the National Conference, therefore, flew to Delhi to seek help from the Government of India but the absence of any constitutional ties between our State and India made it impossible for her to render any effective assistance in meeting the aggressor. . . . Since the people's representatives themselves sought an alliance, the Government of India showed readiness to accept it. Legally, the Instrument of Accession had to be signed by the Ruler of the State. This the Maharaja did."

A Sheikh Abdullah has come to judgement! And I hope Pakistan will accept that judgement, both as to the consultation with the people of Kashmir and also as to the fact that India did not put any pressure on Kashmir to accede to it.

As I have already stated, the Governor-General, Lord Mountbatten, accepted the Instrument of Accession. In answer to a letter of the Prime Minister of India, dated 22 December, 1947, requesting Pakistan not to give aid or assistance to the raiders and not to prolong the struggle, the Prime Minister of Pakistan, on 30 December, 1947, replied :

"As regards the charges of aid and assistance to the invaders by the Pakistan Government, we emphatically repudiate them. On the contrary, the Pakistan Government have continued to do all in their power to discourage the tribal movements by all means short of war."

On 1 January, 1948, we approached the Security Council and, in our letter of that date, we stated :

"Such a situation now exists between India and Pakistan owing to the aid which invaders, consisting of nationals of Pakistan and tribesmen from the territory immediately adjoining Pakistan on the north-west, are drawing from Pakistan for operations against Jammu and Kashmir. The Government of India request the Security Council to call upon Pakistan to put an end immediately to the giving of such an assistance which is an act of aggression against India."

India the Original Complainant before UN

It is an extremely significant fact, which is often overlooked because so much time has passed since that event, that we were the complainants before the Security Council, and that we complained of aggression by Pakistan. On 15 January, 1948, the Foreign Minister of Pakistan again emphatically denied that the Pakistan Government was giving aid and assistance to the invaders or had committed any act of aggression against India. On the contrary, the Foreign Minister stated, his Government had continued to do all in its power to discourage the tribal movement by all means short of war. He stated that the allegations made by the Indian Government that the Pakistan Government was affording aid and assistance to tribal forces, or that these forces had bases in Pakistan territory or were being trained by the Pakistan Army, were utterly unconfirmed. Pakistan never contended that India had no right to be in Kashmir.

This categorical denial by Pakistan of being behind the tribal raid is the most important and significant aspect of the whole Kashmir issue. It is significant that, at that stage, Pakistan never tried to justify its presence in Kashmir or to claim any right to be there. Pakistan was obviously quite aware of the fact that

its presence in Kashmir was contrary to international law and was fully conscious of the illegality of its action. That is why Pakistan could not admit its presence in Kashmir and that is why there was a total and straight denial of its presence. Incidentally, the facts just stated by me clearly show that the plea now put forward that Pakistan went to Kashmir in support of a liberation movement is clearly an afterthought designed to create a false moral justification for its invasion of Kashmir. Subsequent admissions by Pakistan, to which I shall presently refer, have made clear that this was not merely an equivocation but a deliberate falsehood.

In its reply to the Government of India's complaint dated 1 January, 1948, Pakistan, on 15 January, cast doubts on the legality of the accession of Jammu and Kashmir to India by suggesting that the accession had been obtained by fraud and violence. It is clear that in law, if fraud and violence were not established as vitiating it, the accession was perfectly legal and binding. On the question of fraud and violence, it may be stated that Lord Mountbatten had told the Maharaja of Kashmir, on behalf of the Government, that "you may accede to Pakistan if you wish and we will not take it as an unfriendly act". It is also an admitted fact that not a single Indian soldier was sent to Kashmir to fight against the raiders before the accession. If any violence was used at all against the State of Jammu and Kashmir and the Maharaja, it was by Pakistan. If the Ruler of Jammu and Kashmir was forced to accede to India, it was not because violence was used by India but because it was used by Pakistan and therefore, strangely enough, the fraud and violence which Pakistan was complaining of was fraud and violence used not by India, but by itself, and it does not require a very deep knowledge of law to understand that a party cannot challenge or vitiate the legality of a contract by pleading its own unlawful acts.

The Foreign Minister of Pakistan has stated that India obtained the signature of the Ruler on the Instrument of Accession at a time when the people of Jammu and Kashmir had risen in rebellion against the Ruler and had ousted his authority from the State. This is a complete and utter distortion of facts. It

was the tribal raiders and Pakistan nationals, aided and abetted by the Pakistan Government, who carried fire and sword into Kashmir, whose fate is now of such great concern to Pakistan, and compelled the Ruler to turn to India in the hour of extreme peril. Let us once again turn to Sheikh Abdullah, whose testimony is of great importance because it is the testimony of a witness who is speaking about contemporary events :

“When for the first time the people of Srinagar saw the incoming planes from India and the tanks of the Indian Army passing through the streets here, their disappointment and anguish was turned into joy and happiness. The people here, Muslims, Hindus and Sikhs, heaved a sigh of relief, knowing that their honour and dignity could now be safeguarded. We must not forget that time.”

The Foreign Minister of Pakistan has also spoken of a despotic Maharaja having signed the Instrument of Accession. Are all the rulers of States who have acceded to Pakistan paragons of democratic virtue ?

Pakistan's Belated Admissions

When the United Nations Commission for India and Pakistan visited Karachi in July 1948, Pakistan could no longer keep up the story that it had a blameless record as far as the invasion by the raiders was concerned, and Sir Mohammad Zafrullah Khan informed the Commission that three regular Pakistani Brigades had been fighting in Kashmir territory since May 1948.

It is in this context that the UNCIP resolution of 13 August, 1948 and 5 January, 1949 which we accepted—and these are the only two resolutions, apart from the resolution of 17 January 1948, to which we have agreed—have to be understood and appreciated. The very foundation of these resolutions was that the presence of Pakistan in parts of Jammu and Kashmir was illegal, and that it must withdraw its troops and vacate the aggression against India. It is clear from the wording of paragraph 2A(1) of the resolution of 13 August :

“As the presence of troops of Pakistan in the territory of the State of Jammu and Kashmir constitutes a material change

in the situation since it was reported by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from that State."

It was only on Pakistan's complying with this essential condition that the possibility of holding a plebiscite in Kashmir could arise. It is clear that the Security Council could not possibly have suggested to India the holding of a plebiscite so long as a gross illegality perpetrated by Pakistan and a deliberate violation of international law remained unrectified. The Security Council could not possibly countenance a naked aggression by one country against another.

It is often forgotten that when Pakistan approaches the Security Council, it does so as an aggressor which has not vacated its aggression. My submission to you is that Pakistan has been guilty of gross contempt of this august body, and it has no right to be heard till it comes with clean hands. It has not only not washed its hands, and not only tries to justify its aggression, but seeks to challenge the legal validity of an accession which has been accepted by the UNCIP and on the basis of which Pakistan's presence in Kashmir has been held to be illegal and contrary to international law.

Pakistan A Continuing Aggressor

Memories are so short that I am sometimes surprised that Pakistan should be permitted to reverse the roles of itself and India before the Security Council. It comes here in the innocent garb of an aggrieved party making charges against us as if we were the aggressors. Throughout this Kashmir controversy, which in all conscience has been sufficiently long and protracted, Pakistan has continued to be an aggressor. Even today it is guilty of continuing aggression and, in my submission, it has no *locus standi* whatsoever to make any complaint with regard to what India is doing in an integral part of itself.

It has been said that, notwithstanding the accession, assurances were given by several eminent Indian authorities that the wishes of the people of Jammu and Kashmir would be consulted with regard to that State's forming part of India. Those assurances

which the Foreign Minister of Pakistan catalogued in his speech were given always in the context of the vacation of Pakistani aggression and withdrawal of Pakistan from Kashmir as a condition precedent. The letter of Lord Mountbatten, the Governor-General of India, dated 27 October, 1947, a separate communication to the Ruler not forming part of the Instrument of Accession, itself says :

“...it is my Government's wish that as soon as law and order have been restored in Kashmir and her soil cleared of the invader, the question of the State's accession should be settled by a reference to the people.”

I emphasize the words “as soon as law and order have been restored in Kashmir and her soil cleared of the invader.”

Even today, sixteen years later, the soil of Kashmir is not purged of the invaders who continue unlawfully to hold two-fifths of the State. Every time the authorities in India, the Prime Minister or someone else, talked of ascertaining the wishes of the people, such remarks were always in the context of our demand for Pakistan's withdrawal from Kashmir.

A plebiscite is only a machinery for ascertaining the wishes of a people. There is nothing sacrosanct about it. There are other methods which are equally efficient. The British Government has, in the last twenty years, transferred power to a large number of its colonies, but it has never thought of ascertaining the wishes of these colonies by holding a plebiscite. In India itself no plebiscite was held to determine either whether the people of the subcontinent of India wanted freedom or whether the majority of Muslims living in the country wanted partition. The United Kingdom came to the conclusion that independence should be given and that the country should be partitioned because it was satisfied that the Indian National Congress on the one hand and the Muslim League on the other represented the people on these two issues. In Jammu and Kashmir the National Conference as a party represented the overwhelming majority of the people of that State, and, as I have already pointed out, it fully supported the accession of Jammu and Kashmir to India.

We accepted the two resolutions of the Security Council, namely, those of 13 August, 1948 and 5 January, 1949. Under

these, a series of steps were contemplated to follow one after the other. The resolution concerning a plebiscite, namely, that of 5 January, 1949, was subsidiary and supplementary to, and an elaboration of Part III of the resolution of 13 August, 1948, if and when that Part was reached. It was like an architect's design and a blueprint and the 5 January, 1949 resolution could spring to life only if the 13 August, 1948 resolution was fully implemented.

Three General Elections in Kashmir

The possibility of a plebiscite was envisaged because at that time no elections had been held in Kashmir. Subsequent to that, Kashmir has had three general elections with universal adult franchise, and at all these three elections a party has been returned to power which firmly and emphatically supports Kashmir's integration with India. The last election, in 1962, was held under the Indian electoral law and supervised by the Indian Election Commission. We ourselves have held three general elections. Even our worst enemies have not suggested that these elections were rigged or that they were not secret and free. It was the ballot box that determined which member should be elected, and the elections were so free that in one general election, in one State, a party was returned to power which was opposed to the majority party in India, the Indian National Congress. Therefore, if it was necessary to ascertain the wishes of the people of Kashmir, they have been ascertained not once, not twice, but on three occasions. The Foreign Minister of Pakistan has made a great deal of capital from the quotations he has used from various papers about the nature of elections in Kashmir. May I quote from one of the papers he has chosen to quote? This is from the (Manchester) *Guardian* :

"The Jammu elections are a great and quite a genuine victory for the National Conference.

"Elections in Kashmir are over. In Jammu the National Conference was given a tough fight by the Hindu Praja Parishad, and all but five of the seats were contested. After strenuous canvassing and election fever, equalled only in India's most advanced parts, the National Conference won two-thirds of the seats....".

The Foreign Minister of Pakistan has referred to thirty-two candidates being returned unopposed in the 1962 elections; but he has chosen not to mention the thirty-nine other seats which were hotly contested.

Pakistan's perpetual harping on a plebiscite in Jammu and Kashmir is not due to its faith in democratic principles. I should have thought that democracy, like charity, begins at home, and before Pakistan preaches to us how we should ascertain the wishes of the people of a part of our country, it should first make at least a beginning in establishing democratic institutions at home. I need hardly say that since its existence it has never sufficiently trusted its own people to permit them to participate in a general and direct election for the creation of legislative and parliamentary bodies.

As the Foreign Minister knows, his own President has repeatedly stated that the people of Pakistan are not fit to exercise such democratic rights and, after seventeen years of independence, the people of Pakistan are still being educated in basic democracy, which I need hardly say is a very diluted form of democracy. The real reason for insisting on a plebiscite is to try and see whether it cannot inflame communal passions in Kashmir by making the inhabitants of that State believe that their religion is in danger, and bring about the recurrence of the terrible events of the partition of India in 1947—bloodshed, migrations, untold human misery.

Basis of UN Resolutions is Pakistan's Vacation of Aggression

Therefore, if I may sum up, our position on Jammu and Kashmir is clear and unambiguous. The two resolutions of the Security Council dealing with the plebiscite were conditional and contingent on Pakistan vacating its aggression and the condition has not been complied with. It is really more than a condition. It was the very basis on which these two resolutions were founded, and the condition not having been complied with and the basis having disappeared, these resolutions are no longer binding on us. In any case, by the passage of time and various factors intervening, to which I shall draw attention a little later, they have become obsolete. We cannot possibly contemplate with equanimity the threat to the integration of our country and the danger to our

cherished principle of secularism by the holding of a plebiscite in Kashmir. I wish to make it clear on behalf of my Government that under no circumstances can we agree to the holding of a plebiscite in Kashmir.

Pakistan's Strange Objections

Let me deal with the allegation of Pakistan of the so-called attempt on the part of my country to further "integrate" Kashmir with India. In the first place, as Jammu and Kashmir is an integral part of India, what we have been doing is adjusting our relations with a Constituent State of the Indian Union. It is on a par with the Congress of the United States dealing with one of its fifty federated States. Therefore, the question raised by Pakistan is purely a domestic matter with which only India is concerned and in respect of which Pakistan has no right to intervene or interfere and which has been specifically excluded under the Charter from the jurisdiction of the United Nations.

But, even so, let us see what we have done which has roused the wrath of Pakistan and which has brought it with such urgency to the Council. I may point out that Part XXI of our Constitution deals with provisions with respect to the State of Jammu and Kashmir. There are also other articles in that Part which deal with other States in the Indian Union, such as Andhra Pradesh, Punjab and Maharashtra. These provisions in turn are intended to be only temporary and transitional. These will continue to apply so long as the necessity for their application continues. When the necessity disappears, these provisions will be deleted and the provisions of the Constitution which apply to all the States would also apply to the States with regard to which special arrangements have been made under this Part. It may be pointed out that the Centre's powers have constantly been modified or extended within the framework of the Constitution, so that the relationship between the Centre and the Constituent Units has been changing. These changes which occur at various intervals are part of the larger process of the organic growth of the Union of India. Now the changes which are being contemplated and which formed the subject-matter of Pakistan's letter of 16 January, 1964, are changing the name of the Head of the State from "Sadr-i-Riyasat"

to "Governor" and that of "Prime Minister" to the "Chief Minister". This is only a change in nomenclature.

The other proposal complained about is that the representatives of the State of Jammu and Kashmir in the Indian Parliament are hereafter to be elected directly by the people of Kashmir and not appointed on the recommendation of the Kashmir Legislature, as is being done so far. What is wrong in this? One would have thought that Pakistan, with its professed solicitude for the right of self-determination of the Kashmiris, would prefer the direct election of their representatives to the Indian Parliament.

The next objection refers to certain amendments to introduce more progressive labour legislation. India is a member of the ILO and has adopted a number of ILO Conventions. The Indian labour legislation is in keeping with these Conventions. The need for such labour legislation in Kashmir was not felt so long, since there was hardly any organized factory labour in Kashmir. Now that certain mineral resources have been discovered and mining industry has started, it has become essential to introduce modern labour legislation to prevent abuses. We are bound by the ILO Conventions and we cannot ignore our obligations with regard to any part of our territory. Similarly, what can be the objection to the Government of India sharing with the State Government concurrently the power to make laws in respect of medical and other professions when the State Legislature agrees to this change and there is a formal request by the duly elected Government of Jammu and Kashmir? We feel that all-India medical and other services lead to progress and increased efficiency and the co-ordination of professional standards in different parts of India. So all these changes are for the benefit of the people of Kashmir. It is not a suppression of any human rights. If the Prime Minister of India used the expression "the gradual erosion of Article 370", it was a perfectly correct expression because by its very nature Article 370 is temporary and must gradually fade away and disappear.

In his speech the Foreign Minister of Pakistan has also referred to further acts of "integration" by mentioning "the taking over of responsibility for the administration of highways, telegraphs, telephone, income-tax, broadcasting and customs; the subordination

of the accounts and audit department of the State to the Auditor-General of India; the abolition of the customs barriers and of the permit system for entry into and going out of the State; the subjection of its economic plans" to the Planning Commission, and the "authority of the Supreme Court of India over Kashmir; and the arrogation to himself by the President of India of powers to promulgate laws in Jammu and Kashmir by executive fiat—all these, among other things"—and I am still quoting the Foreign Minister of Pakistan—"are links in the chain with which Jammu and Kashmir has been shackled". If ever there was a travesty of what we have done in Kashmir it is this.

Does Pakistan expect that while it continues its aggression, we should sit with folded hands and do nothing whatever in Kashmir to improve the lot of the people? Every action we have taken and to which the representative has referred has been in favour of the amelioration of the conditions in Kashmir, in favour of modernizing the State. Look at the language used by the representative of Pakistan: "The subordination of the accounts and audit department of the State to the Auditor-General of India". Is it a bad thing to have a proper audit of the accounts of a State by an independent official like the Auditor-General of India, or does Pakistan want that those in charge of the revenues of Kashmir should play ducks and drakes with the people's money? Surely, the abolition of customs barriers and of the permit system for entry into or out of Kashmir helps trade and commerce and prevents unnecessary delays in the passage of goods between Kashmir and other parts of India. In India we have a Planning Commission which plans for the economic development of the country. The Plan is prepared after full discussion and debate at various levels.

We want Kashmir to participate in these economic processes which are the modern methods of ensuring orderly economic development which is beneficial to all the people of the country. It is indeed surprising that objection should be taken even to what is called "the imposition" of the authority of the Supreme Court of India over Kashmir. The Supreme Court is the highest court in our country, and under our Constitution it is constituted the custodian of the fundamental rights of the citizens. It is to safeguard these fundamental rights of the people of Kashmir that the jurisdiction of the Supreme Court has been extended to Kashmir.

The President of India does not promulgate laws unless the necessity for it arises and the conditions for the promulgation are duly satisfied. Our President is not a dictator. He is the constitutional Head of the State, and he can act only on the advice tendered to him by the Government of India, which is a Government responsible to Parliament. It is indeed a misuse of language, I would rather say a perversion of language, to speak of these changes in Kashmir as links in the chain with which Jammu and Kashmir has been "shackled". No amount of declamation from Pakistan will deter the Government of India from doing its duty by our people in Kashmir.

The Foreign Minister of Pakistan, overwhelmed by the enthusiasm generated by his cause, agreed with the statement attributed to Sheikh Abdullah :

"Crores of rupees of the Indian Exchequer have largely been utilized to corrupt the people of Kashmir and almost killed their soul."

Kashmir's Progress as Part of India

Let us see how we have been "corrupting" the people of Kashmir and "almost killing their soul". The revenue of the State of Jammu and Kashmir in 1947 was \$ 5.5 million. In 1959-60 it was \$23.5 million. The *per capita* income in 1950-51 was \$ 38 and in 1959-60 it was \$ 48. The food production prior to 1951 was 0.3 million tons and in 1961 it was 0.5 million tons. The electricity produced in pre-1951 was 4,360 kilowatts and in 1961 it was 16,000 kilowatts. The number of factories in 1947-48 was 44 and in 1961 it was 138. The roads per hundred square miles prior to 1951 were 2.5 miles and in 1961 40 miles. This is important. The number of tourists in pre-1951, in a country divided from the outside world by a "wall of steel" in the words of the Foreign Minister, was 27,207; in 1961 it was 71,000. The number of pupils in primary schools prior to 1957 was 65,000; in 1961 it was 197,000. The number of high and higher secondary schools in 1947-48 was 52; in 1961 it was 262. The figures of literacy were 6.6 per cent before 1947; in 1961 12 per cent. The number of hospitals and dispensaries in 1947-48 was 89; in 1961 it was 349. The average life expectancy before 1951 was thirty-two years; in 1961 it was forty-seven years. What a

distressing picture of a country, again to quote the phrase used by the Pakistan Foreign Minister, "under the colonial domination of India" !

The Holy Relic—Pakistan's Propaganda and the Facts

I will now turn to the baseless and mischievous connection which Pakistan has sought to establish, in its letter of 16 January, 1964, between these changes in the constitutional relations between India and one of its constituent states and the theft of the holy relic from the Hazratbal Shrine. It is suggested that this sacrilege has served to provide a spark to the bitter discontent and indignation which has been mounting in Kashmir as a result of India's policies and which is now rampant amongst the people of Jammu and Kashmir against recent Indian moves to "integrate" that part of the State with the Indian Union; that since the theft of the holy relic the Muslim population of Jammu and Kashmir has given vent to its anger through massive demonstrations for more than ten days and that hundreds of thousands of Muslims kept marching in mourning procession day after day through the streets of Srinagar. You will note that what is stated here is that the demonstration was by the Muslim population of Jammu and Kashmir; no one else joined. It will be immediately noticed that Pakistan has tried to give a communal turn to the incidents in Kashmir. To Pakistan everything is communal. It cannot observe any event except through communal glasses. It cannot understand how Hindus and Muslims can live peacefully in Kashmir and have the best of relations. Its philosophy is that in the very nature of things Muslims must hate the Hindus and the Hindus must hate the Muslims.

When the sacred relic was stolen, Pakistan expected that there would be communal riots in Kashmir. Not only did it expect this, but it did its best to incite them, as can be seen from the statements that appeared in the Press and also the utterances of responsible men in Pakistan. President Ayub Khan, speaking at Sukkur, on 4 January, 1964 said :

"...the theft of the holy relic is a calculated political conspiracy to subject the Muslims of Occupied Kashmir to more and more atrocities...no Muslim, however sinful, could ever think of committing such a sacrilege. Therefore,

it was certain that no Muslim could be held responsible for this heinous crime and as such it was evident that the crime was motivated by a political conspiracy"—and this without a tittle of evidence.

As you will see, the suggestion in this statement is that it must be a Hindu who stole this relic in Kashmir, and thereby incited the Muslims of Kashmir against the Hindus.

I am now quoting a very well-known newspaper from Stockholm. *Svenska Dagbladet* of 30 December, said :

"...it is difficult to believe that the theft of the Holy Prophet Muhammad's lock of hair that has caused such riots in Kashmir would have been initiated by Hindus even if, naturally, there are fanatics in Hindu circles also. It is more probable that the deed has been done by some Pakistani agent, perhaps one of the Pathans who, during the last few years, have been recruited by the recruitment agencies on the Pakistani side to take part in a planned 'Algerian Liberation War' on the Indian side.... In this way Chinese interests are also served. The Indian defence of Ladakh is wholly dependent on the connections of Srinagar and the Vale. The only road from Ladakh goes straight down to Srinagar and, therefore, has an enormous strategic importance."

In quoting from the despatch from Richard Critchfield, Mr. Bhutto, the Foreign Minister, conveniently omitted a significant portion thereof. This is what he says in continuation of what Mr. Bhutto has quoted :

"Meanwhile, in Pakistan, Foreign Minister Mr. Bhutto urged Kashmiris to rebel against the Indian-controlled Government."

And the Foreign Minister comes to you here to appeal for peace ! I repeat : the Foreign Minister, Mr. Bhutto, urged Kashmiris to rebel against the Indian-controlled Government.

Does the Foreign Minister accept this presentation of his statement to be correct ?

The Economist of 4 January, 1964, also quoted by Mr. Bhutto, says :

"Pakistan's Foreign Minister, Mr. Z. A. Bhutto, has charged India 'occupation authorities' with instigating the theft, apparently so as to terrorize the 'oppressed' Muslims into fleeing from their homes. This is an implausible accusation, to put it mildly, but the point is not that it is implausible, but that it is made."

So *The Economist* realizes the point of Mr. Bhutto, the Foreign Minister, in making this charge that the theft was instigated to terrorize the "oppressed" Muslims. The suggestion was that there should be trouble in Kashmir and that the people of Kashmir, especially the feelings of the Muslims, should be inflamed and that they should rise against the Hindus.

Now, unfortunately for Pakistan it is a fact which cannot be challenged that there was complete communal unity during the demonstrations that were held by the people of Kashmir protesting against the theft of the relic. Hindus and Sikhs joined their Muslim brethren in mourning this loss. To the Hindus and the Sikhs the relic was not a Muslim relic but was a relic belonging to Kashmir, indeed to the whole of India. We in India respect each other's religion. Hindus revere Muslim saints and *vice versa*. We all join in the celebrations of different communities. It requires a modern, secular, rational outlook to understand this phenomenon.

A further significant fact of these demonstrations is that not only were they not aimed against the Government of India but, on the contrary, they showed complete confidence in the policies of my Government, and what is more, they appealed to the Union Government that they, rather than the local administration, should investigate into this crime and bring the guilty to book. It was in response to the appeal of the people of Kashmir that the Government of India sent its highest officials to Srinagar to investigate the matter and to recover the relic. The action of my Government was successful because the relic was recovered and restored. According to a report in *The New York Times* of 4 February, 1964, datelined Srinagar, 3 February :

"A Committee of Muslim leaders decided today that the hair now enshrined in a mosque near here was the one that disappeared from there last December 26."

According to the latest information that I have received, a special "didar" or exposition of the holy relic was held on 3 February, at Hazratbal. A number of prominent religious personalities, most of whom were nominated by the Action Committee, to whom reference has been made by the Foreign Minister of Pakistan, saw the holy relic and declared it genuine in the presence of the large number of people in the mosque. Among those who identified the relic was Maulana Masoodi, about whom also a reference was made in the statement by the Foreign Minister of Pakistan. Investigation is in the final stage and the accused persons will be put on trial very soon. It is true that the demonstrations were aimed at the local administration, but surely it is a fundamental right in a democracy of the people to express their dissatisfaction with their Government. Such demonstrations are not unknown even in more sophisticated societies. The people of a democratic country have the inalienable right not only to show their want of confidence in their Government but to turn out the Government and elect another one.

What I have been saying about the nature of the demonstrations in Srinagar is amply borne out by the testimony of foreign correspondents who were on the scene and who witnessed what had happened.

The Guardian, a well-known English newspaper, which Mr. Bhutto quoted, of 6 January, 1964, has this to say :

"There was singing and dancing in the streets of Srinagar yesterday after the Government announced that the relic had been found. A sullen and angry city was suddenly transformed into a joyful one."

The New York Times of 24 January, 1964, has the following story from Thomas F. Brady :

"This dissatisfaction of Kashmiris with their local Government, but apparently not with the Indian national Government, found expression in protests and riots that followed the theft . . . The big Muslim majority there seems to have shown no animus towards the Hindu minority . . . Indeed, the indications are that main targets of the arson and looting that followed the disappearance of the relic were the extensive

business interests of Bakhshi Ghulam Mohammed, former Prime Minister of the State, and his brother and political right hand, Bakhshi Rashid. Both are Moslems."

I am not here to defend either Mr. Bakhshi or his brother. The point of the quotation is that the demonstrations were against the local administration and not against the Government of India.

The New York Times of 5 January, 1964 had the following :

"One view that was expressed here was that the pro-Pakistani elements had stolen the hair in an attempt to discredit the pro-Indian Kashmir Government."

The Foreign Minister quoted the views of an Indian columnist in *The Hindustan Times* of 8 January. This columnist is obviously not friendly to the Government of Bakhshi Ghulam Mohammed or even to the present successor Government. In a free country with full freedom of the press everyone is entitled to express his own views. In fairness to the columnist, I must, however, read two paragraphs from the same article which Mr. Bhutto left out for obvious reasons :

"But the striking fact has to be recorded that the dismay and anger of the people of Kashmir did not express themselves in communalism or in anti-Indian sentiment. The people did not turn to the pro-Pakistan elements for guidance and leadership. Their own demand was that India should intervene, for investigation of the sacrilege, to punish the guilty and to ensure that Kashmir did not lapse back into Bakhshi rule.

"The people of Kashmir have given their clear verdict and they are entitled to hope that they have struck the blow for a good and clean administration responsive to their needs and aspirations. They have put their trust in India's doing the right thing by them. Can we afford to betray them again?"

So the emphasis in all these quotations is that the people of Kashmir have confidence in India, that they want India to intervene and that they are not satisfied with the local administration.

Having failed in its evil design to stir up trouble in Kashmir, Pakistan diverted its attention to East Pakistan, and serious riots

broke out in Khulna and Jessore and the Muslims there attacked the Hindu minority. There were terrible incidents of looting, arson and stabbing. A large number of members of the frightened minority started a trek towards India, which lay just across the frontier. It is strange that while in Kashmir itself the large Muslim majority did not suspect the Hindus of having a hand in the theft of the relic, 1,500 miles away the Muslims of East Pakistan were demonstrating against the Hindus and accusing the Hindu community in Kashmir of anti-Muslim actions.

East Pakistan Riots—Foreign Opinion

May I quote the despatch of Jacques Nevard in *The New York Times* of 19 January, 1964 :

"Few people here", ("here" means East Pakistan, where these riots took place), "give much credence to the Government-supported view that the East Pakistan riots were caused by the disappearance three weeks ago of a hair of the Holy Prophet Muhammad.

"Officially-approved processions to protest against the loss of the relic got out of hand in the Khulna and Jessore districts of East Pakistan leading to riots against the Hindus."

I request the Council to mark and note the words, "officially-approved".

The repercussion of the Khulna riots resulted in riots in Calcutta. Refugees from East Pakistan came to the city with lurid tales of what had happened to their co-religionists on the other side of the frontier. The passions of the Hindus in Calcutta were inflamed and unfortunate incidents took place where Muslim lives were lost and some houses in which the Muslims lived were burnt down.

Calcutta Riots, Genesis, and Action Taken— Shri Chagla an Eye-Witness

Now by coincidence I myself was in Calcutta for four days while these riots were taking place. I had been there on official tour as Minister of Education, but I was an eye-witness to what was done by the West Bengal Government to put down these riots. I express my admiration for the strong measures taken by the

Chief Minister of West Bengal. He immediately called out the troops and curfew was ordered throughout the city. Our Home Minister, Mr. Nanda, also arrived in Calcutta and further action was taken. About 5,000 hooligans were rounded up, a citizens' committee was set up to help to restore peace and order, and assurance was given that no landlord would be permitted to benefit by the destruction of Muslim houses, and that as far as possible Muslims would be rehabilitated in the same places where they had originally lived. I was staying with the Governor of West Bengal, Miss Padmaja Naidu, a distinguished daughter of a distinguished mother, and she threw open a large part of the Government House in order to give shelter to the Muslims who had lost their homes and their belongings. The Calcutta riots were put down firmly and sternly, and today there is complete peace, and the normal situation has been restored. But the terrible tale of communal riots did not end here. There were subsequent riots in Dacca, Narayanganj, Chittagong, Barisal—they are all places in East Pakistan—and in many other districts of East Pakistan; terrible scenes were enacted, and even according to as important a news agency as Reuter about one thousand Hindus were killed. Our own information is that throughout East Pakistan the number is much larger, and the trouble has not yet ended and that the tension still continues. The Deputy High Commissioner for India in Dacca has so far received requests for migration of over 50,000 families, involving more than 200,000 people; into one district of Assam, namely Garo Hills alone, about 20,000 refugees have moved from East Pakistan. These are official figures.

I did not have any desire to cite these figures—they are grim and unpleasant—but I felt that I should give the Security Council a full picture since the distinguished Foreign Minister of Pakistan in his statement sought to present a one-sided picture before the Council.

I wish to make it clear that whatever may happen in East Pakistan, we do not condone the criminals who are guilty of taking innocent lives. To us a Muslim life is as precious as a Hindu life because both a Hindu and a Muslim are Indian citizens. We condemn bloodshed and looting and arson, whatever may be the cause or the provocation and wherever it may take

place. We have respect for human life and we abhor communal frenzy or fanaticism.

The Prime Minister's Appeal for Amity

As our Prime Minister said in his appeal to the nation from his sick-bed on 23 January, 1964 :

"We have had distressing news of happenings in East Pakistan in the past few days in which lives of many innocent men, women and children have been lost. These have naturally shocked and upset us. I hope that our countrymen will maintain calm and will refuse to be provoked by these events. Such restraint will be in keeping with age-old traditions of tolerance which is our most precious heritage. Whatever happens elsewhere, citizens of India should prove themselves worthy of their heritage and discharge their sacred duty to live in amity and goodwill with their fellow citizens whatever be their religion or faith. In that way alone we can prove ourselves worthy of our heritage and the confidence which Mahatma Gandhi, our leader, reposed in us, and our dedication to the principles of freedom and democracy and our secular State."

Pakistan Incites Riots

But I am sorry to say that the attitude of Pakistan is different. By its policy, by its actions, by its utterances, it has deliberately incited these riots. There was peace and harmony between the two communities in India before Pakistan preached *Jehad* (holy war) and accused the Hindus of being at the bottom of the theft of the sacred relic without a shred of evidence. It deliberately and for set purpose created an atmosphere so that riots should break out in East Pakistan. Thousands of innocent lives have been lost. It makes no difference whether these lives were of Hindus or Muslims. The physical act by which these lives were lost might be that of a Hindu or a Muslim fanatic or a Hindu or a Muslim ruffian, but the Pakistan Government cannot be absolved of its responsibility for the death of these innocent people. We in India treat all our citizens alike. We give them the same rights and we want complete communal harmony. We have

successfully achieved this, and if we are left to ourselves we will have no communal trouble whatsoever; but whenever there is communal trouble we put it down with a heavy hand. Pakistan, on the other hand, has from its very inception based its policy on communal hatred and fanaticism. It has incited the Muslims in Kashmir to rebel against India, and it has constantly harped on the theory that Hindus and Muslims are two separate nations.

Let me point out the attempts that we have made to improve our relations, and point out also what Pakistan has done in return. Our Prime Minister appealed to Pakistan more than once to enter into a "No-War Declaration". He said that both countries must settle their differences peacefully and resolve that under no circumstances and for no reason would either country go to war with the other. This offer was refused. Why? Has Pakistan got mental reservations? Does she intend to use violence against India under certain circumstances? When the recent trouble broke out, our President appealed to President Ayub Khan to issue a joint declaration to our respective peoples appealing for peace and harmony. This very reasonable proposal of joint appeal—which, by the mere fact of its being made jointly by the two respective Heads of States, would have had the most beneficial psychological effect—also was refused. We then proposed that the Home Ministers of India and Pakistan should meet and visit the scenes of disturbance and suggest what further steps should be taken to prevent such happenings. We were met with a counter-proposal which was tantamount to a refusal.

The Pakistan Foreign Minister has referred to certain talks that took place between India and Pakistan over Kashmir and has sought to make out as if the talks failed due to Indian intransigence. Let me now state what the facts are. On the eve of the first round of talks in Rawalpindi in Pakistan, the Pakistan Government announced an agreement in principle on the demarcation of the border of that part of the State of Jammu and Kashmir, which is now under the unlawful occupation of Pakistan and which marches with that of Sinkiang. At this stage, we could have legitimately broken off the talks, but, despite the provocation, we decided to continue them. In March, while the talks were still going on, Mr. Bhutto went to Peking and signed the agreement.

Again, we showed restraint and continued the talks, though we had enough provocation. The talks were finally broken off by the Foreign Minister of Pakistan, Mr. Bhutto, in spite of all efforts on our part to keep the talks going. This proves that the intransigence was not on our side at all but entirely on the side of Pakistan.

Pakistan's Pro-China Propaganda

Now let us contrast this with the attitude of Pakistan. When China attacked us and was guilty of clear and unabashed aggression, Pakistan carried on virulent propaganda against us and in favour of China. Not only did it use every effort to prevail upon friendly countries not to give us assistance in the hour of our dire peril, but it took up the attitude that it was not China, but India, that was guilty of aggression. The whole of the world, with the possible exception of a few States, saw and understood that we had been victims of a cruel aggression.

The Foreign Minister has given expression to excellent sentiments with regard to the preservation of peace and the solution of international problems by peaceful negotiations rather than by violent means. We fully endorse these sentiments and we have always subscribed to them. It is one thing to come to the Security Council in the garb of innocence and to appeal to world opinion by emphasizing that the attitude of Pakistan has always been friendly and peaceful and that it has not given any provocation whatsoever to my country—but, when we look at the facts, we find quite a different picture. From time to time, there has been open incitement to violence by responsible opinion in Pakistan; constant suggestions have been made that, if the Kashmir problem cannot be solved peacefully, it must be solved by violent means. Even in the very letter of the Foreign Minister, dated 16 January, which the Council is now considering, the conclusion is very significant : that “the people of Azad Kashmir and Pakistan may, in desperation, turn to other courses”. What are these other courses ? Courses other than peaceful courses are violence and bloodshed. I have rarely seen, in a public document addressed to a body which is responsible for the maintenance of international peace and good relations, an open threat being held out by a Member-State to resort to violence under certain circumstances,

How, then, can we take the Pakistan Foreign Minister's statement here seriously ?

Pakistan's Opportunistic Attitude

I may refer to a letter that appeared in *The Observer* on 17 June, 1963, by the late John Strachey, Labour M.P., who had visited both India and Pakistan in a Parliamentary delegation. Addressing the editor of *The Observer*, he wrote :

"You complained that India still keeps a large part of her army on the Pakistan frontier. Before going to Pakistan last month this seemed to me also to be an indefensible deployment of India's forces but during the week in which my colleagues were in Pakistan, a Pakistan Cabinet Minister declared publicly that the Kashmir question must be settled immediately by peaceful means or otherwise. Another Pakistan public man in a key position assured us that if China attacked again he and his friends would not miss the opportunity this time but would immediately attack India. And almost every Pakistani public man whom we met started the conversation from the assumption that India had attacked China."

As you know, Mr. John Strachey was a very respected Member of Parliament who died recently. This is his own testimony as to what he had heard from a member of the Pakistan Cabinet and from men high up in Pakistan public life. This clearly shows that Pakistan has all along intended to use violence against our country when the opportunity arose.

In this connection, I should also like to mention the real attitude of Pakistan with regard to Kashmir. When one analyses the speech made by the Foreign Minister of Pakistan, the underlying sentiment is this : India must settle the problem of Kashmir with Pakistan to the latter's satisfaction; if it does not, there will be communal disturbances, there will be trouble, there might even be bloodshed. Therefore, Pakistan has approached this Council not with an appeal but with a threat, and we are being asked to submit to this threat. It is unfortunate that Pakistan does not realize that it is making the lives of millions of people both in our own country and in Pakistan mere pawns in the game of politics.

India today is, perhaps, the only country which can stand up to Chinese expansion and aggression. If India failed, there would be nothing to control the Chinese forward policy. It is therefore not only in the interest of India itself, but also in the interest of peace, that India should be strong. We are very grateful for the aid that we have received from friendly countries. But the whole purpose of this would be completely nullified if India became domestically weak. No country can be internationally strong if it does not also have domestic strength. The domestic strength of India depends upon its secularism, upon the vital necessity of the different communities that reside within India living in peace and harmony.

Pakistan Wants to Weaken India

Pakistan does not want India to be strong; it wants to weaken India, both internationally and domestically. Its recent flirtations with China are clear evidence of this fact. In this context, Kashmir assumes great importance. Pakistan has been complaining of India's changing the *status quo* with regard to Kashmir, and yet it has given away to China, in the border agreement, over 2,000 square miles of Kashmir. Pakistan has no right or title to it, and yet it has been generous at another country's expense. If ever there was a gross change of *status quo*, it has been by Pakistan. But, apart from the fact that legally and constitutionally Kashmir is part of India, apart from the fact that we do not subscribe to the theory that Hindus and Muslims are two nations, and that Kashmir is the symbol and guarantee of our secularism, Kashmir has now assumed vital importance because of the continuing menace of China. A mere glance at the map of India will be sufficient to illustrate this.

The Foreign Minister of Pakistan has sung paeans of praise in favour of Sheikh Abdullah. He has told us that Sheikh Abdullah is the "Lion of Kashmir", leader of Muslims there, and that we have put him behind bars. It is dangerous to have short memories. May I remind the Foreign Minister of Pakistan of what his own Prime Minister, Liaquat Ali Khan, said about Sheikh Abdullah :

"Speaking to pressmen at Srinagar on November 10, during Pandit Jawaharlal Nehru's visit to that place, Sheikh Abdullah was reported to have observed that there may not be a referendum at all....this Quisling, who has been an agent of the Congress for many years, struts about the stage bartering away the life, honour and freedom of Muslims of Kashmir who are rotting in gaol."

This statement was made by Mr. Liaquat Ali Khan on 16 November, 1947. In other words, when it suits them, Sheikh Abdullah is a Quisling—and, when it suits them, he is a hero and the "Lion of Kashmir" and the leader of the Muslim community. I do not know when the tune will change again.

Again, in a telegram dated 25 November, 1947 to the Prime Minister of India, the Prime Minister of Pakistan said :

"I am extremely sorry that you still support Sheikh Abdullah, who you know is a Quisling and a paid agent, to disrupt the Mussulmans of Kashmir."

So here our Prime Minister was being accused of supporting a Quisling who should not have been supported.

I should like to say a word—and I am sorry that I cannot say more because the matter is *sub judice*—about the trial of Sheikh Abdullah. We very much regret the delay that has taken place in concluding this trial, but it is being conducted according to the procedures laid down by law. The London *Times* in a despatch when the trial started pointed out how fair the judge was and how he held the scales of justice even between the prosecution and the defence. It is true, as the Pakistan Foreign Minister has pointed out, that there are a large number of witnesses. This is inevitable in a conspiracy trial. I must also point out that the delay is partly due to the fact that there has been lengthy cross-examination of witnesses by the defence and from time to time adjournments have had to be given in the interest of Sheikh Abdullah himself. And the most significant feature of this trial is that Sheikh Abdullah has a counsel of his own choice, a very distinguished lawyer from the London Bar, Mr. Dingle Foot, Q.C. Therefore, the trial is public and every facility is given to the accused to defend himself.

There is another matter to which I should like to refer in the statement made by the Foreign Minister of Pakistan. The Foreign Minister has also spoken of the "wall of steel" that "separates . . . Kashmir from the outside world", and has said that "India is trying desperately to conceal what is happening there under a massive blanket of censorship". Now one thing about which we are particularly proud is that Kashmir has always been open to any visitor from any country and of any nationality. We have nothing to hide in Kashmir, nor are we ashamed of anything we are doing there. Every year seventy to eighty thousand tourists, including a large number of foreign tourists, have been coming to this most beautiful spot.

Self-Determination—True and False

Pakistan has made a great deal of play with the idea of self-determination. It has tried to appeal to world opinion by proclaiming that its interest in Kashmir arises from the fact that the people of that State have been denied the right of self-determination. Now, in the first place, we must determine what are the connotations of the word "self" in this expression. What is the "self" which has the right to determine its destiny, to determine whether it would be a part of one country or part of another country or would be independent? It is clear that the "self" contemplated in the enunciation of this democratic principle is not, and cannot be, a constituent part of a country. It can be operative only when one is dealing with a nation as a whole, and the context in which it can be applicable is the context of conquest or of foreign domination or of colonial exploitation. It would lead to disastrous consequences if the expression were extended to apply to the integral part of any country or sections of its population, or to enable such integrated part or sections of the population to secede. The principle of self-determination cannot, and must not, be applied to bring about the fragmentation of a country or its people. Let us not forget that the United States fought a bloody civil war to prevent, not a small part, but the whole of the South of the United States from seceding and constituting itself into an independent country. I have no doubt that a large majority of the people of that part

of the United States were opposed to Abraham Lincoln and his policies and they wanted the freedom to refuse to emancipate the slaves; and yet the United States Government, very rightly and properly, in my opinion, refused to break up its country by permitting a part of it the right to secede. In the world today we have innumerable countries in Africa and Asia with dissident minorities. Many of these minorities might like to set up governments of their own. We should have to repaint the map of the world and many Member-States of the United Nations would be broken up. Many countries today have living in them people of different races, religions and cultures, and the future of the world depends upon the evolution of multi-racial States and nations in different parts of the world. Pakistan's thesis is a reactionary and obscurantist one. The thesis of self-determination which Pakistan advocates has been used in the recent past by colonialists and neo-colonialists for the disruption of newly-emergent States. Pakistan would have the hands of the clock set backwards and would go back to the days when countries permitted only one religion and persecuted those who followed another faith. I appeal to this Council not to listen to contentions and arguments which would be destructive of peace and progress and which would lead to the dismemberment of many nations.

Pakistan possesses the happy gift of preaching what it has itself never practised. It asks us to hold a plebiscite in Kashmir without even so much as thinking of holding an election in its own country. It wants us to concede the principle of self-determination to a constituent part of our country without looking nearer home. Has Pakistan ever thought of permitting self-determination to the Pathans who want a State of their own, which is described as Pakhtoonistan?

Movement of Population—the Truth

Let me say a word about the allegation of eviction of Indian Muslims made by Pakistan against us. I shall refute this charge not by arguments but by cold statistical facts to which there can be no answer. The Indian census figures for 1961 show that there was an increase of 25.6 per cent in the population of Muslims in India during the period between 1951 and 1961, against

an overall increase in the population of India of 21.5 per cent. Does this prove genocide or that Muslims from India are being driven out? Not only is no Indian Muslim leaving India, but the fact is that Pakistani Muslims in large number have been infiltrating into the surrounding Indian States of West Bengal, Assam and Tripura. This is clearly proved by Pakistani census figures. It will be seen from the Pakistani census figures that the Muslim population in East Pakistan increased by 26 per cent during the period 1951-61. It is significant, however, that much smaller increases have been recorded in some of the districts of East Pakistan bordering India. Noakhali had an increase of only 4.7 per cent, Comilla 15.4 per cent and Bakarganj 16.8 per cent; and Sylhet indicated a rise of only 13.9 per cent, against the overall provincial increase of 26 per cent. The Indian census figures in the neighbouring border districts of Indian States are complementary and reveal that the population of Muslims in Tripura rose by 68 per cent, in Darjeeling by 200 per cent, in Dinajpur by 74 per cent, in Malda by 62 per cent, in Garo Hills by 49 per cent and in Khasi and Jainti districts by 88 per cent. These figures speak for themselves and are telling when it is remembered that the over-all increase in the Muslim population in India as a whole was 25.6 per cent. Every natural demographic consideration will show that this big increase could have been possible only by a large-scale influx from East Pakistan, particularly from those districts which, according to Pakistan census figures, show abnormally low increases in population.

Let us now examine the picture on the other side. After the Partition and the consequential mass migrations and killings, Pakistan succeeded in getting rid of practically all non-Muslims in the Western Wing. In the Eastern Wing, 9.24 million were left, according to the Pakistan census figures of 1951. This was roughly 22.03 per cent of the total population of East Pakistan, which was 41.93 million. The corresponding figure for 1961, as can be seen from the Pakistan figures, is 9.38 million non-Muslims, which constitutes 18.45 per cent of the total population of 50.84 million in East Pakistan. It will be noticed that the percentage has gone down by nearly 3.6 per cent over the period of ten years. What is more remarkable is that the population of the Hindu minority in East Pakistan has remained practically

stationary, although the increase in population of Muslims in Pakistan during this decade was 26 per cent. If there had been a similar natural increase in the number of non-Muslims, there should have been an increase of well over 2.25 million. Why has not there been this natural increase? The answer is that they have all been squeezed out during this period. That fits in with our records which shows the arrival in India of refugees of approximately that number. If the Foreign Minister of Pakistan has any other answer, let him come out with it. Let him also think about who is guilty of evicting minorities.

I also wish to point out that no one is evicted out of India without complying with the provisions of the rule of law. In the first place, there is a careful administrative scrutiny as to the nationality of the person concerned and it is only after the scrutiny reveals that the person is not of Indian nationality, or that he has not the necessary permit for residence or visa, that he is served with a quit notice. Further, after he has been served with a quit notice he has a right to go to the High Court for a writ on which he can satisfy the Court that the decision of the Administrative Tribunal was incorrect. Recently, both in Assam and Tripura, judicial officers have been appointed even for the purpose of scrutiny before quit notice is served.

There is one other minor matter to which I would refer and that is that a large number of non-Muslims have been appointed in the recently constituted Ministry of the State of Jammu and Kashmir. Under normal parliamentary procedure, it is entirely the right of the Prime Minister of Jammu and Kashmir to constitute his Cabinet. In India we do not make appointments on communal considerations. It is true that we try to see, as far as possible, that no part of India and no large community goes wholly unrepresented in the Government, and that is a federal principle with which federal governments are familiar. It is a tribute to Kashmir that its Cabinet should truly reflect the inter-communal unity that prevails in the State of Jammu and Kashmir.

The reference made by the Foreign Minister of Pakistan to the dismissal by Prime Minister Shamsuddin of officers of the State Government is not correct. These dismissals were made not for the motive suggested by the Foreign Minister, but as a

part of the drive against inefficiency and corruption. All the officers were not dismissed, but many of them were retired. Sixty of these officers were Hindus and Sikhs. The communal colouring sought to be given is entirely without foundation.

Before I conclude, I would like to refer to some other points in the statements of the Foreign Minister of Pakistan, both in his letter to the Security Council dated 16 January, 1964 and his statement the other day. The Foreign Minister complained that the statement of Mr. Nanda, Home Minister of India, at the Bhubaneswar session of the Indian National Congress was inflammatory in character. Mr. Nanda spoke in Hindi and we have here the full text of his statement. I do not find anywhere in the speech that Mr. Nanda made anything even remotely suggestive or calculated to incite communal passions. On the contrary, Mr. Nanda said :

“In case something happens there”—that is, Pakistan—
“we should not allow anything to happen here”—that is, India—
“and in case some trouble arises, stern measures should be adopted and immediately everything brought to normal.”

Evidently, the Foreign Minister of Pakistan has relied on some erroneous English translation of Mr. Nanda's speech. As a matter of fact, far from inciting communal passions, Mr. Nanda played a most worthy role in Calcutta in organizing joint Hindu-Muslim conciliation and peace squads, which in conjunction with the stern measures taken to bring miscreants to book, including police and military firing at them, whenever necessary, helped in bringing the situation in Calcutta—which, it should be remembered has as large a population as 6,000,000—within control and back to normal in two to three days.

It is inconceivable that on the platform of the Indian National Congress where Mr. Nanda spoke, which is always on the side of inter-communal unity, any Minister, far less the Home Minister of the Government, would make inflammatory speeches.

The President's Letter of 16 January, 1964

The Foreign Minister of Pakistan has in the course of his statement said that the reply of the President of India to President

Ayub Khan's letter was not helpful. What could be more helpful and sincere and earnest than the concluding paragraph of our President's letter of 16 January which has been circulated to members of the Security Council? I might also refer to the statement made by our President on the occasion of our Republic Day, 26 January, 1964, which is couched in the same spirit, and I quote from it :

"In our democracy men of all faiths have the right to live in honour and harmony under the rule of law; life and liberty of every citizen, irrespective of caste or creed, ought to be sacred to every other. Any departure from this is not only morally indefensible but politically dangerous; it weakens our internal unity at a time when the danger to our country from without is undiminished. The Government can and will take every step necessary to put down anti-social behaviour but the co-operation of the people is no less important if peaceful conditions are to be preserved, for such peace is the basis on which we could build our future."

On the other hand, the President of Pakistan's letter contained some very serious allegations against India. In our President's reply attention had to be drawn to those inaccuracies in order to put the matter in proper perspective. It is clear, however, that the spirit of our President's message was one of cordiality and constructive approach to try to solve the very urgent problem of restoring communal harmony with which both countries are faced.

India's Lead in Struggle against Colonialism

The Foreign Minister of Pakistan characterized India's presence in Kashmir as colonial. I deeply regret that he has allowed himself to make such an outrageous allegation against my country. He is either ignorant of, or chooses to ignore, the history of India during the last fifty years. He seems to have forgotten that it was India's epic struggle against colonialism, under the leadership of Mahatma Gandhi, a long-drawn struggle against the mightiest Empire in history, that brought about freedom for India and for his own country. He cannot be unaware of the tremendous impact of the Indian movement against colonialism on all freedom movements in Asia and Africa and the inspiration

it provided and continues to provide for such movements all over the world. It is our great satisfaction to know that this is acknowledged by the newly-emergent countries in Asia and Africa. He completely ignores the unceasing fight that India has waged in the United Nations and the support to freedom movements in Asia and Africa that India has given during the sixteen years of its independent existence and as a founder-Member of the United Nations. To malign such a country as colonial shows the height of prejudice; to insinuate that India's present leaders, most of all Prime Minister Jawaharlal Nehru—the greater part of whose life has been spent as a freedom fighter not only for his own country but for Asia and Africa—follow a colonial policy is something which Pakistan alone could do. The fact is that Kashmir, since the dawn of history, has been a part of India, a repository of Indian culture and heritage. It has shared fully in the vicissitudes of Indian history. It has been a part of the Empire of Asoka and Akbar. Srinagar, the capital of Kashmir, was founded by the great Emperor Asoka in the third century B.C. The people of Kashmir are blood of our blood and flesh of our flesh, and Jammu and Kashmir as one of the sixteen States of the Indian Union, and the people of Kashmir as Indian citizens, share in the total freedom which India enjoys.

To say that Kashmir is under India's colonial hold is gross calumny and an insult to the people of Kashmir who are Indians and have been Indians ever since one can remember. The fact is that it is time Pakistan examined its own conscience and looked into its own heart and asked itself how it is that it is holding two-fifths of Kashmir; that, if anything, is colonial occupation.

Kashmir Not the Only Issue

It has often been said and, I think, it has also been repeated by the Foreign Minister of Pakistan, that the only bone of contention between India and Pakistan is Kashmir and that if the problem of Kashmir were solved to Pakistan's satisfaction, then there would be friendship and full co-operation between our two countries. I beg to differ. As I have pointed out before, it is difficult to understand the basic philosophy on which the policy of Pakistan is based. In every aspect of its foreign policy, it has

disclosed an anti-Indian bias. At one time we were told by responsible Pakistan leaders that the reason why they were driven into the arms of China was our Kashmir policy; as China did not like this reason for Pakistan's friendship for China, they changed the tune and suggested that even if the problem of Kashmir were solved, Pakistan would continue to support China. In other words, Pakistan's present attitude of hostility towards India is not due to the Kashmir problem alone, but it is something more deep-seated.

The same is the attitude of Pakistan with regard to communal riots. The argument is that riots would miraculously stop if the Kashmir problem were solved. Again, there is no connection between Kashmir and the riots. Riots come about because of the communal policy of Pakistan and because of the incitement to communal passion of which it is guilty and of which I have given ample evidence in my statement earlier.

I wish I did not have to take so much time of the Security Council and that I had been spared the need for refuting the many allegations made by the Foreign Minister of Pakistan against us. Repetitious recriminations and fault-finding in the Security Council do not help. If these had been fruitful, we would not have been sitting here today after so many years. I was bound to set the record straight in the face of the grave and unfounded allegations made against us by Pakistan. I would like to assure you, Mr. President, and the Security Council that, despite provocations, we shall continue to work towards amelioration of our unfortunate relations with Pakistan. We do not want our relations to be built on recrimination but on friendship and co-operation and mutual respect. And here I wish to say categorically on behalf of my Government and the Indian people that we wish Pakistan prosperity and well-being as a free and sovereign State and want to build our relations as between two friendly and neighbouring countries on the basis of equality, integrity and sovereignty.

You might as well ask me what steps should be taken to alter the present unhappy situation and bring about better relations between India and Pakistan? I have not the slightest doubt in my mind that the people of both countries want to be friends. They

belonged to the same country sixteen years ago. They have shared the same tradition and the same past, and even today citizens of Pakistan and India have connections and ties of relationship. If only the Government of Pakistan made a proper gesture and gave up its present attitude, my Government would meet it more than half way. With the greatest respect, I wish to suggest that passing of resolutions will not be helpful. It is likely only to aggravate feelings. No resolution, however well drafted, will satisfy both the parties. What is necessary is action and what we have to remember is that first things must come first.

Pakistan's Threats of Violence Must Cease

The first thing, therefore, is to restore normal conditions in the disturbed areas of India and Pakistan and to bring about inter-communal unity and harmony in both the countries. For this purpose, we are prepared to take any and every step in co-operation with Pakistan. My Government will welcome a meeting of Ministers from both countries to discuss ways and means. We must see to it that the disgraceful incidents which took place recently never take place again. They are a scandal to any civilized Government. Secondly, threats of violence which have emanated from Pakistan from time to time, as I have pointed out, must cease. Let Pakistan unequivocally declare along with India that the two countries will never resort to war and will settle all their differences by peaceful means. In this connection, we welcome the appeal recently issued by Chairman Khrushchev and, as you know, our Prime Minister has warmly endorsed that appeal for the peaceful settlement of territorial disputes. President Johnson has also, in principle, welcomed the renunciation of the use of force. Once a better atmosphere prevails, it will be possible—and we are prepared—to discuss with Pakistan all our outstanding differences. We believe in discussion and debate, we believe in the resolution of differences by sitting around the conference table and we will welcome Pakistan to sit with us and resolve our differences. Let me implore Pakistan to remember that we are most anxious that our two countries, constituting the subcontinent of India, should remain on friendly and cordial terms. The future prosperity and well-being of our two peoples depend on it.

II

SHRI M. C. CHAGLA'S SPEECH ON 10 FEBRUARY, 1964

I have listened to the statement of the Foreign Minister of Pakistan more in sorrow than in anger. One can control one's anger, but it is difficult to control one's sorrow. My sorrow is due to the fact that the representative of Pakistan should have given expression to sentiments which vilify my country and my Government, which are a calumny to the record of peace and progress that it has set up since its independence. And this by a neighbour against us whose only desire is to live in peace and amity with the people of a country which only a few years back constituted, along with itself, the subcontinent of India! I do not propose to imitate the Foreign Minister of Pakistan. I do not wish to wear out the patience of the members of the Security Council by a lengthy dissertation. Their patience has been sufficiently taxed. I think, therefore, it will be a waste of time to reiterate what I have already said in my earlier statement. That is on the record and it speaks for itself. It clearly defines the position and attitude of my country and I stand by every word I have said there.

The representative of Pakistan has realized that the only way he can seek to justify his approach to the Security Council is to make out a case of trouble and discord in Kashmir or, to quote his own words in his opening statement: "Kashmir is in open rebellion against India". If the facts show that there have been no communal disturbances in Kashmir; that, on the contrary, there has been complete harmony; that far from Kashmir revolting against India, Kashmir at every stage of this unfortunate incident of the loss of the sacred relic has turned to India for help and support, then it is clear that no change has come about in the situation in Kashmir which, according to him, justifies the present application of Pakistan to the Security Council—not that the fact of disturbance or trouble in Kashmir would justify any intervention by Pakistan since we have repeatedly stated that what happens in Kashmir is entirely a domestic matter for India.

The Foreign Minister of Pakistan has quoted President Ayub Khan as saying that recently there was a spontaneous referendum in Kashmir. How right he is! And what was the result of that referendum? The clear verdict that Kashmiris gave was that while they were opposed to the local administration, they had full confidence in the fairness and sense of justice of the Government of India. In my earlier statement I quoted utterances of responsible Pakistan statesmen inciting the people of Kashmir and inflaming communal passions. I said before, and I repeat, that Pakistan expected that the loss of the sacred relic would lead to bloodshed in Kashmir and that the Muslim community would rise against the Hindus and the Sikhs. Even here the Foreign Minister of Pakistan has stated that at this very minute blood is flowing in Srinagar. May I ask whether it is a statement of fact or a wish and a hope! Let me categorically state to the members of the Council that there is no trouble in Kashmir whatsoever today. The sacred relic has been found and, what is more, it has been identified by the respected religious leaders of Srinagar including Maulana M. Masoodi, who is not only not a supporter of the Government but who is in the opposition.

Pakistan's Motives in Demanding Kashmir

We have been told that Kashmir is a vital question. Vital to whom? To the people of Kashmir or to Pakistan? President Ayub Khan in moments of self-revelation has more than once stated that Kashmir was vital to Pakistan's economy and defence. I quote :

"Kashmir is vital for Pakistan, not only politically but militarily as well. Kashmir is a matter of life and death."

This is what President Ayub Khan said in December 1959.

And again the President of Pakistan said :

"You might say, 'Why can't you give up Kashmir?' Well, we cannot give up that dispute not because we are bloody-minded but...for example, for the reason that Kashmir is connected with our physical security. Thirty-two million acres in Pakistan are irrigated from rivers that start in Kashmir."

This is from the speech delivered by President Ayub Khan at a luncheon meeting at the National Press Club, Washington, on 13 July, and as reported in *The Pakistan Times* of 14 July, 1961.

Again I quote the Pakistan President :

“Kashmir is important to us for our physical as well as economic security.”

This was what President Ayub Khan said at Karachi on 19 July, as reported in *The Pakistan Times* of 20 July, 1961.

One more quotation :

“Pakistan’s President declared that Kashmir was a life and death question for Pakistan and without the solution of this problem we cannot be assured of the safety of our territory, especially the western wing of our country. . . .”

President Ayub Khan made this statement at Dacca on 18 October, and it was reported in *The Pakistan Times* of 19 October, 1961.

So the cat is out of the bag. Kashmir is not vital for human reasons or human considerations; it is vital to Pakistan for its own reasons, namely, its own security and its own defence.

This also explains what the founder of Pakistan, Mr. Jinnah, once said : that he was not satisfied with the Pakistan which he had obtained because it was a “moth-eaten, truncated Pakistan”. It is therefore not out of consideration of human rights that Pakistan has been so ceaselessly and pertinaciously pressing the Kashmir case before this Council.

The truth is that Pakistan wants Kashmir in support of its two-nation theory that, because the population of Kashmir has a Muslim majority, it must necessarily form part of Pakistan. If we are thinking only of the people of Kashmir, of their rights, of their security, of their desire to live in peace and quiet, then it is time that an end be put to this unending controversy. Pakistan talks glibly of a plebiscite. Does it realize what its consequences will be ? In the place of peace and quiet, we may have bloodshed. If the theft of the sacred relic could be exploited to produce riots 1,500 miles away, the stirring of communal passions on a large

and massive scale may lead to serious communal riots all over India and Pakistan and to migrations. The only people who would suffer are not the politicians in Pakistan who preach a "holy war" but millions of innocent people who are not interested in politics and who want to be left in peace to carry on their normal avocations. So, if we are thinking only in terms of maintenance of peace, respect for human beings, then we would think a thousand times before we would disturb a situation which has existed since India became independent.

Pakistan's Threat to the Security Council

The whole burden of the Foreign Minister of Pakistan's song has been that the only thing which poisons relations between Pakistan and India is the Kashmir problem; and, if the Kashmir problem is not solved, relations between the two countries will not improve, and communal troubles will continue. This, to my mind, is an open threat to the Security Council. Pakistan is telling you, Mr. President, in strong, strident and threatening tones, that, if the Kashmir problem is not settled, there would be bloodshed and war. Is anyone going to submit to this threat and intimidation?

The iron fist is concealed in a velvet glove. The representative of Pakistan has quoted Chairman Khrushchev and President Johnson and has relied on what they said about the settlement of territorial disputes by peaceful methods. Even the devil can quote the scripture for his purpose. I cannot imagine a more perverse interpretation of the very noble sentiments to which Chairman Khrushchev gave expression, which were wholeheartedly endorsed by the Prime Minister of India and to which President Johnson responded, than for a country to talk of peace while brandishing a sword.

The reliance of the Foreign Minister of Pakistan on the appeal made by Chairman Khrushchev makes even more inexplicable his refusal to join with India in a no-war declaration. It is true that these sentiments are embodied and enshrined in the Charter, but they require constant reminders and reiterations. On behalf of my Government, I wish to declare that India under no

circumstances will resort to war for settlement of differences with Pakistan. I repeat that India under no circumstances will resort to war for settlement of differences with Pakistan. Will the Foreign Minister also make a similar declaration ?

It is true that Pakistan wants peace, but it wants peace at the point of a bayonet and on its own terms. Why have we had no refutation from the representative of Pakistan of the statements made by responsible Pakistan leaders threatening violence against India ? As I have said before, even in his letter to the Security Council of 16 January there is a threat of violence which is not even decently veiled but which is open and flagrant.

Kashmir Part of India from of Old

The representative of Pakistan has repeated the slander against India that Kashmir is under India's "colonial rule". Kashmir became part of India not as a result of conquest, nor is it a case of one race ruling over another; Kashmir has always been part of India since time immemorial, and the people of Kashmir and the rest of India are racially and ethnically the same. Even religiously, although in that part of India Muslims might be in a large majority, this majority professes the same religion as 50 million Muslims in India. It is here that the basic difference between Pakistan and ourselves arises. The bond that Pakistan finds with the people of Kashmir, and which makes the representative of Pakistan say that the people of Kashmir are their kith and kin, is not common nationality; it is not a common race; it is not common traditions or common history; but the mere bond of religion. We emphatically deny and repudiate a philosophy which equates nationality with religion. The basic philosophy on which our State is based, and our Constitution is enacted, is a multi-racial society, a society in which people of different religions can live together happily and can be treated as equals before the law and can enjoy the same rights and opportunities.

Attitude to Minorities : the Contrast

The Foreign Minister of Pakistan has spoken with great indignation of the way the Muslims are treated in India and of the frequency of communal riots. It is a gross travesty of truth to

say that at every Muslim festival Muslims are being attacked. Is the Pakistan case so bad and so weak that it has to rely on such patent falsehoods? Muslim festivals are celebrated from time to time with members of other communities rejoicing with their Muslim brethren. Fairs are held at Muslim shrines where tens of thousands of Hindus and Muslims attend and pay their respects to the saints. Even recently in Kashmir, as I pointed out, the loss of the sacred relic was mourned not only by the Muslims but by the Muslims, Hindus and Sikhs, and when the relic was recovered the rejoicing was not confined to the Muslim community, but extended to all the communities in Kashmir and the rest of India. On the contrary, there was no rejoicing in Pakistan, where the recovered relic was described as a fake, presumably to incite further hatred against India. Pakistan has a mentality which makes it impossible for it to understand that Hindus and Muslims can live side by side in peace and concord.

The Foreign Minister has painted a lurid picture of communal riots in India. He has mentioned the figure of 550. This is a gross exaggeration. Here I might say that we inherited a bad legacy from the British period of communal riots throughout the Indian subcontinent. This was a phase which both our countries have reasons to be ashamed of, but the whole orientation of Indian policy since India became independent has been to create confidence so that these communal incidents should become a thing of the past. Since Pakistan has mentioned certain figures, may I also give the Council some figures? Between 1950 and 1956 alone, there were 8,021 cases of communal incidents in East Pakistan, in which members of the minority community were the victims. These incidents were brought to the notice of the East Pakistan Government. Since 1956, of course, there have been several hundred more cases. We condemn these riots, whether in Pakistan or in India. We regret the loss of innocent lives, and we do our best to prevent such riots.

Here again the attitudes of India and Pakistan are diametrically different. As I pointed out earlier, the incitement to communal riots has been a part of Pakistan's policy. The representative of Pakistan has quoted some statements of members of the Hindu Mahasabha, which is a communal party in India. The

representation of the Hindu Mahasabha in the Indian Parliament—one member out of 500—reflects the following it enjoys among the people. The Indian National Congress, which is the party in power today, is strongly opposed to the philosophy underlying that party. The Foreign Minister is not in a position, and cannot be in a position, to quote leaders of the Indian National Congress or the members of the Indian Government inciting the Hindus in India to attack the Muslims. Indeed, that would be opposed to the basic policy of the Indian National Congress. Mahatma Gandhi gave his life in the cause of Hindu-Muslim unity, and, notwithstanding the grave provocations we have had from Pakistan, the party which he led and which won the independence of India has always preached communal harmony. There is not a Muslim in India who does not look upon our Prime Minister as a true friend.

May I refer to the testimony of an exalted and impartial observer of the Indian scene? Even Pakistan will not be able to challenge the importance and the significance of his statement. His Majesty King Saud of Saudi Arabia at the conclusion of his visit to India said this—and I would draw the Council's attention to his words :

“When I set foot on this precious soil,”—that is, India—
 “two questions engaged my mind : the fate of the Muslims of India and the general administration of this subcontinent after withdrawal of the British rule. . . I desire now, at the conclusion of my visit to India, to say to my Muslim brethren all over the world, with greater satisfaction, that the fate of the Indian Muslims is in safe hands. . . This assurance has been corroborated by all Muslim leaders whom I met.”

Here is another piece of impartial testimony; I am quoting it from a document of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities—an official document of the United Nations :

“In the course of a discussion at the United Nations Sub-Commission on 11 January, 1959, Mr. Richard Hiscocks (United Kingdom) said that in India Mahatma Gandhi and Mr. Nehru, two outstanding leaders of the world, had the

courage to swim against the current and bring about a revolution in the approach to untouchability and to minorities. Mr. Nehru particularly in the last ten years was responsible for sponsoring legislation in the battle against discrimination of religious minorities.

"He wondered whether leaders in other countries, for instance Pakistan, had the courage to emulate the example of the Indian leaders.

"Señor Herman Santa Cruz (Chile) said he had been in India recently and felt that Mr. Nehru and the Indian Parliament played a notable role in promoting tolerance and getting the viewpoints of minorities appreciated."

Look at the Press. As in every other country, we have a few irresponsible newspapers also, but the Government has always appealed for restraint, and I am glad to pay a tribute to the Indian Press, which has shown commendable restraint in the reporting of views and in their comments on the communal holocaust in East Pakistan and has assisted the Government of India in the restoration of law and order. Ours is a free Press, and those who are familiar with a free Press know how difficult it is to restrain it; but in Pakistan, where the Press is controlled, important papers, papers which have official backing, have carried on a raging campaign against India. There is hardly a day when hatred against India and the Hindus is not preached. Here are a few instances of what has appeared in Pakistan newspapers recently. This is from an Urdu paper, *The Hurriyet*, Karachi, 4 February, 1964 :

"Kashmir is aflame. Rivers of Indian Muslims' blood are flowing in Bharat"—that is, India—"and Muslim women are being outraged".

One can imagine the effect of a statement like that on the minds of the Muslims, both in India and in Pakistan. If ever there was a statement to inflame passions, it is that. They paint Kashmir as aflame, with rivers of Muslim blood flowing and Muslim women being outraged. If that is not incitement, I do not know what it is.

I now quote from *The Dawn*, Karachi, 1 January, 1964, a paper blessed by the Government :

“They”—that is, the people of West Pakistan—“have called upon the Muslims in India and Pakistan to declare ‘Jihad’—holy war—“on the issue and save Muslim shrines in that country from the further sacrilege”.

Which Muslim shrine has been sacrileged? Will the Foreign Minister tell me that?

I quote again from *The Dawn*, Karachi, 17 January, 1964 :

“The President, Sardar Mohammed Alam Khan, directed the Muslim Conference office-bearers to recruit *Razakars*”—that is, fanatics—“for *Jihad* and make them ready ‘till second directive’.”

That is an order for recruitment, a declaration of war. They are only waiting for the proper time to march on Kashmir.

The Foreign Minister of Pakistan has taken pride in the way the Government of Pakistan has treated its minorities. Now, there are various ways of treating minorities, and one that Pakistan has adopted is perhaps the most effective one. It has driven out all but a few Hindus from West Pakistan, and it is resorting to policies which are gradually driving out the Hindus from East Pakistan. If the objective of Pakistan’s policy was to have a State with only men of one religion living in it, that objective could not be better achieved than by the actions that Pakistan has been taking since its inception. And here may I say in passing that out of the 30,000-odd refugees who have crossed over from East Pakistan into one district of Assam, namely, Garo Hills alone, 3,000 are Christians? So it is not only the Hindus who do not feel safe; it is also the Christians, who are also a minority in Pakistan.

Minorities in India and Pakistan—the Difference

It is, perhaps, easy and possible for Pakistan to get rid of its minorities. For us, we look upon the Muslims not as a minority but as an important and integral part of our nation. Fifty million Muslims live with their Hindu brethren in all parts of the country, in every village, town and city. To us the very thought of exchange of Hindus and Muslims is abhorrent. We realize that India would

break up and disintegrate if it cannot give all the communities which live in it protection and full rights.

The Foreign Minister does not like cold, statistical facts. He prefers to rely on his fancy and his imagination. I am not going into the figures which I gave in my earlier statement on the subject of the illegal movements of persons from East Pakistan across the borders into India. The patent fact remains, which has not been disputed and cannot be disputed by Pakistan, that while the population of Muslims in East Pakistan has increased by 26 per cent during the census period 1951-61, the Hindu population has remained stationary and that the Muslim population in West Bengal has increased at much more than the natural rate. The Foreign Minister is surprised that any Muslim from East Pakistan should want to go to India. Perhaps even the Muslims of East Pakistan find India a better and a more peaceful country in which they can enjoy democratic and fundamental rights. Forty thousand Pakistan Muslim nationals today are working and earning their living in India on a proper visa. Besides, about a quarter of a million Muslims from Pakistan visited India during 1963 on short-term Indian visas. If Muslims were insecure in India, would such a large number of Muslims from Pakistan be travelling to India? The Minister also suggested that with strict passport regulations imposed by India, it would be impossible for Pakistani nationals to migrate into India. He forgets that there is an open frontier of 2,000 miles between eastern India and eastern Pakistan and no passport regulations, and not the strictest police surveillance in the world, can prevent people from crossing the frontier. He also quoted the *London Times*. May I quote from a despatch in an equally important English periodical, *The Economist* of 5 October, 1963, by a correspondent who claims to have been lately in Pakistan :

"The subcontinental strategy of irritating India has received its latest expression on the Assam-East Pakistan frontier. India has long complained of 'infiltrations' from East Pakistan, numbering some say, up to half a million since 1951. The exodus is probably more an index of East Pakistani misery than a cold, political, calculation from Rawalpindi. When the sad *emigres* are returned over the

frontier, Pakistan protests that India is attempting to depopulate Assam of its Muslims."

Mr. Richard Critchfield, whose article the Foreign Minister of Pakistan has quoted with approval, says this about Pakistan in *The New York Herald Tribune* of 1 January, 1964 :

"West Pakistan still receives 51 per cent of the national budget but provides 90 per cent of the Central Government staff and almost all the armed forces.

"East Pakistan, with more than half the country's population but not 15 per cent of its land area, earns 70 per cent of the export income, but until recently received only a third of expenditure allocations, a fifth of United States' aid and almost no new private development money.

"It is these Pakistanis who have not found the conception of Pakistan a really captivating idea. Restoration of adult suffrage and the rights of free press, speech and assembly"—which do not exist in Pakistan—"could help to remedy this. President Ayub cannot form the durable political base he needs on hatred of India alone."

According to Mr. Critchfield, the only durable base that Pakistan has for its foreign policy—and this is what I said in my earlier statement also—is the hatred of India.

With such a situation in East Pakistan, is there any wonder that the people should be leaving for better opportunities elsewhere? Infiltration of Pakistanis has not created a problem only for India but apparently also for Burma, which is the only other country neighbouring East Pakistan. Burmese press reports indicate that the number of such illegal entrants in Burma is of the order of a quarter of a million.

There has been no change in our policy concerning migrations from Pakistan, but on compassionate and humanitarian grounds we are obliged to give all facilities and expedite the processes concerning the examination of applications or migration certificates from East Pakistan into India. All States, as you are aware, give compassionate consideration to the request of refugees fleeing in fear of persecution. It is ridiculous to suggest that the

announcement by our Home Minister of better facilities for migration of the Hindu minority from East Pakistan to West Bengal would aggravate communal feelings. If there are riots in East Pakistan which cause much loss of life, if the tension continues, if the press keeps up its unceasing propaganda, is it surprising that the Hindu minority should be in a state of panic and should want to migrate to India where it would have such safety?

In this connection, I should like to mention that the following report has been received from the State Government of Assam in India. It is a harrowing tale, and I am sorry I have got to read it before this Council. While a batch of refugees numbering about 1,000 were crossing into Assam from East Pakistan on the evening of 6 February, the East Pakistan Rifles, a quasi-military force of the Pakistan Government, opened fire on them. Eleven refugees, including some women, were injured and two children were killed by this fire. The injured persons and the dead bodies were brought by the refugees into Assam. The Assam Government has lodged a protest with the East Pakistan Government and has appealed to the Pakistani authorities to put a stop to the shooting down of unarmed persons seeking refuge in India.

I am surprised at the suggestion made by the Foreign Minister of Pakistan that there should be an inquiry by an impartial tribunal to decide whether the Muslims who have been evicted were Indians or Pakistani nationals. The representative of Pakistan has stated that the maintenance of communal harmony was a domestic problem for India and Pakistan. Is it less of a domestic problem for India to decide whether a particular person is or is not an Indian national? May I ask, with all respect, whether any of the countries which have the honour of being represented on the Security Council, and who are sitting around this table, would agree to abdicate their sole sovereign right of deciding which aliens they should admit or permit to reside on their territory, or of determining who is a national and who is an alien? I have said before that we do not throw people out arbitrarily and we have done our best and we are doing our best to give a fair hearing to anyone who has been aggrieved by the quit notice.

The Foreign Minister of Pakistan has made an unworthy attack on Hindu society and the Hindu religion. I cannot expect him to

understand the philosophy or the tenets of that religion. Similar attacks have been made by the President of Pakistan during his goodwill tour of countries of South and South East Asia. Apparently goodwill was to be advanced by attacking the Hindu religion. It requires broad-mindedness and tolerance to appreciate a faith which is not one's own. It is true that there is still the caste system in India but we are pledged to achieve a casteless society and we are ceaselessly working towards that end. It is not easy to change institutions that have existed for centuries. As the representative of Pakistan has himself admitted, we have proscribed untouchability, it is illegal. We have made it a penal offence for any person to deny to one who was known as untouchable any public right, and in the making of our appointments, in the framing of our policies, in the development of our industries, caste plays no part whatsoever, and even in social matters, its hold is becoming more and more tenuous.

I do not envy the representative of Pakistan in the choice of his metaphors. I think they are in extremely bad taste. He has compared India to a senile person showing his false teeth. India is a young country as far as freedom is concerned, although it is old in tradition and history. It is a country which, since its independence, has maintained democratic institutions and has launched upon its economic development in the setting of freedom. These are not false teeth. They are the teeth which we acquired with our birth as an independent nation.

The distinguished Foreign Minister of Pakistan has shown surprise that we should resent Pakistan's friendship with China. We do not. We ourselves believe in friendship with all countries and we were friendly with China before it committed aggression on us. The distinguished Foreign Minister objected to my expression of Pakistan's flirtations with China. Perhaps Pakistan has serious matrimonial intentions. What we object to and resent is Pakistan's attitude towards us from the time the Chinese aggression began. One would have thought that when China attacked us Pakistan would have said to us, "We have our quarrels, we have our differences, but we are neighbours and we will not add to your troubles." That would have been a helpful attitude. But not only did Pakistan not stand by us, but it used every argument to prevent friendly countries from giving us aid. It has used the same

tactics which it is using now with the Security Council, and its threat to its allies in SEATO and CENTO was that if they gave aid to us Pakistan would walk out of the alliances.

Why Pakistan Joins Pacts

The distinguished Foreign Minister has said that Pakistan has always been loyal to its allies. In this connection I shall content myself with quoting a statement of Premier Chou En-lai to the Associated Press of Pakistan, made on 10 April, 1963. Premier Chou En-lai disclosed that the leaders of Pakistan had assured him in 1954 that Pakistan had joined the Western Military Alliances only to gain political and military ascendancy over India and that "Pakistan had no other motivation in joining the pacts". I wonder whether the distinguished Foreign Minister is going to say, "Save me from my friends". Having tried its best to prevent us from strengthening our defences in the hour of our peril, Pakistan carried on, and carries on till today, a propaganda in support of China and seriously suggests that we are the aggressors and China the aggrieved party. This seems to be the favourite gambit of Pakistan—always to accuse the innocent party of aggression.

The distinguished Foreign Minister of Pakistan has insinuated that it is not only with China but with other neighbouring States bordering on India that we have strained relations. The motives and objects of this uncalled-for and malicious propaganda which Pakistan has been carrying on against us are all too obvious. Our non-aligned policy is based on friendship with all countries, whatever their ideology and whatever their political or economic structure. We have very friendly relations with our immediate neighbours, Afghanistan, Nepal, Burma and Ceylon. We were on equally friendly terms with China, but China attacked us and took violent and unlawful possession of a part of our territory.

African Tribute to India

Pakistan has gone to the length of comparing us with South Africa. I vividly remember the year 1946 when I was at the United Nations as a member of the Indian delegation and handled the resolution which India had tabled against South Africa and which India succeeded in getting adopted in the United Nations General

Assembly by a two-thirds majority. We were the first to lead the crusade against racial discrimination and South Africa's racial policies. Pakistan's crude attempt to set us at odds with our African brethren will not succeed. I suppose what Africans say is more authentic than what the distinguished Foreign Minister of Pakistan alleges. May I be permitted to quote, as an example, what Albert Luthuli has said in his recent book, *Let My People Go*. As the Council is aware, Chief Luthuli of South Africa is an outstanding African leader, was awarded the Nobel Peace Prize and wrote his book in 1962. At page 210 of his book he states :

"The way in which India at the UNO has taken up cudgels on behalf of the oppressed South African majority and dragged the whole scandal of *apartheid* into the open has heartened us immeasurably".

Pakistan's Trade with South Africa

If any parallel exists, it is between the policies of Pakistan and South Africa. The Government of South Africa, instead of putting down racialism and *apartheid* supports it, glories in it and gives it a legal and official backing. Pakistan, too, instead of working for a multi-communal society, preaches hatred of one community against the other and exhibits intolerance and fanaticism in every aspect of its policy. Here I may mention that the General Assembly at its seventeenth session adopted resolution 1761 (XVII), which called upon Members, among other things, to cease all trade with South Africa. As is well known, India has had no trade with South Africa for the last seventeen years. In spite of the adoption of resolution 1761 (XVII), and in spite of its co-sponsoring and voting for the resolution, Pakistan continued to carry on trade with South Africa, and here I would like to quote from United Nations document A/SPC/94 of 22 November 1963. That document contains the replies received from Member-States in pursuance of General Assembly resolution 1761 (XVII) and the Security Council resolution of 7 August 1963. The replies were contained in communications to the Secretary-General, or to the Chairman of the Special Committee on the Policies of *Apartheid* of the Government of the Republic of South Africa, or in statements before the General Assembly or the Security Council. I quote from the Pakistan statement contained in the aforementioned document :

"It has prohibited import of South African goods into Pakistan, and has banned the sale of arms, ammunition and all types of military vehicles and other strategic goods to South Africa. It is still carrying on a certain amount of export trade with South Africa in pursuance of earlier commitments, but is actively considering the termination of such exports".

The General Assembly adopted resolution 1761 (XVII) as long ago as 1962, and this reply of Pakistan that I have quoted was submitted on 22 November, 1963.

Pakistan is one of the few Afro-Asian countries which has still diplomatic relations with Portugal; and not only those, but it has had extensive commercial and air-traffic relations. India broke off diplomatic relations with Portugal a long time ago. Surely, it is not merely a vivid imagination but a diseased and perverted one which can compare Kashmir with Angola and Mozambique. Again, to equate the question of self-determination in Kashmir with the question of self-determination in Angola and Mozambique or in other African territories is ridiculous. While Jammu and Kashmir is a part of India, Angola and Mozambique are non-self-governing territories, specifically so declared in United Nations General Assembly resolution 1542 (XV) adopted in 1960. whose people have, under the Charter, the inalienable right of independence in accordance with the wishes of the people.

The distinguished Foreign Minister of Pakistan has waxed eloquent over self-determination. I note that though he used many words he had no answer to the question whether he was prepared to concede the right of self-determination to the Pakhtoons, the Baluchis or to East Pakistan whose people, as a matter of common knowledge, racially, ethnically and linguistically, are different from the people of the rest of Pakistan.

Self-Determination Not for Breaking up a State

Let me repeat that the principle of self-determination is applicable to nations and nation-States and cannot be used for the breaking up of a State or the fragmentation of peoples. It is this principle which the United Nations and all African States invoked to oppose the self-determination of Katanga. No one questions

the rightness of this decision which saved the Congo and, perhaps, a large part of Africa from further division and fragmentation and chaos.

I repeat our position which I think I had already made clear in my statement of 5 February. We fully endorse the principle of self-determination, and I repeat, we fully endorse the principle of self-determination. But no Member of the United Nations will accept it as an instrument for the fragmentation of the States and the nations.

As a Member-State of the United Nations we have already exercised the right of self-determination. Through a Constituent Assembly of elected representatives in which the representatives of the Jammu and Kashmir State participated, the Indian people gave to themselves a Constitution which has been in force for fourteen years. Under that Constitution three general elections based on universal adult suffrage have been held, in the last of which there was an electorate of 210 million—the largest known in history. The Indian people inhabiting Jammu and Kashmir have fully shared in that self-determination. They have already exercised their right of self-determination, but when it is suggested that there should be self-determination for the people of Kashmir, as distinct from the people of India, this is a proposition which we cannot accept, as indeed any other suggestion based on the premise that the majority of the people of Jammu and Kashmir happen to profess a particular religion.

Did Pakistan permit the people of the Princely States in Pakistan to exercise the right of self-determination after the Rulers had acceded to Pakistan? As was disclosed in the West Pakistan High Court a few years ago, the accession of Bahawalpur had been forced on the Ruler of that State. The Khan of Kalat revolted against accession and was arrested and detained in 1958. In neither case was the principle of self-determination applied. When Pakistan purchased, and I emphasize the word "purchased", the territory of Gwadar from the Sultan of Muscat, what happened to Pakistan's solicitous regard for the people's right to self-determination? No opportunity was given to the people of Gwadar to say whether in the second half of this, the twentieth century, they wished to be bought like chattel.

The Foreign Minister of Pakistan has sought to counter my argument with regard to accession when I said that the question of religious complexion did not enter into the legal validity of the instrument of accession executed by the Ruler of Kashmir. He has relied on the instance of Junagadh. Now, in that case, the accession would have contravened the principle of contiguity, apart from the fact that the large majority of the people of Junagadh, it is beyond dispute, were totally opposed to the Ruler's acceding to Pakistan. You have only to look at the map of that part of India to realize how absurd Junagadh's accession to Pakistan would have been. In the case of Kashmir not only have we a legal, unconditional accession, but we have also the principle of contiguity satisfied, and even if we were, at the time of accession, to take into consideration the wishes of the people of Kashmir, there can be no doubt that the National Conference, which, as I have already pointed out in my earlier statement, was the party representing the large majority of the people of Kashmir, were clearly and emphatically in favour of accession to India. In the case of Hyderabad and Jodhpur also the principle of contiguity applied and the people of these states were in favour of accession to India. I do not wish to repeat what I have already said about the effect of the Ruler of Kashmir executing the instrument of accession and the Governor-General of India accepting it. I have also pointed out that various statements made by the Prime Minister of India and others with regard to consulting the wishes of the people were made in the context of the situation then existing and on the clear understanding that Pakistan would discharge its obligations solemnly given to the Security Council and vacate its aggression.

UN Commission's Proposals—the Background

During the discussions between the United Nations Commission and the Prime Minister of India regarding the Commission's plebiscite proposal of 11 December, 1948, which later became the resolution of 5 January, 1949, the Prime Minister of India emphasized :

“...firstly that, if the Government of India were to accept the Commission's plebiscite proposals, no action could be taken in regard to them until Parts I and II of the

Commission's resolution of 13 August had been fully implemented; secondly that, in the event of Pakistan not accepting these proposals or, having accepted them, of not implementing Parts I and II of the resolution of 13 August, the Indian Government's acceptance of them should not be regarded as in any way binding upon them."

This is what the Prime Minister said on 5 January, 1949, and this is the exact position I am taking up today in the year 1964. The Prime Minister made it clear that unless the terms of Parts I and II of the resolution of 13 August were implemented, the Government of India's acceptance would not be regarded as binding upon us. There is no difference whatever in the position taken up by the Prime Minister in 1949 and the position I am taking up at this table in 1964.

Dr. Lozano, Chairman of the United Nations Commission, accepted the points made by the Prime Minister of India—paragraphs 2 and 3 of Aide Memoire 1, S/1196. Mr. N. Gopalaswamy Ayyangar, whom also the Foreign Minister of Pakistan has quoted, said this in the Constituent Assembly of India on 27 May, 1949 :

"The accession was offered by the Maharaja and it was accepted by the Governor-General of the time. . . . It is an absolutely unconditional offer. . . . The accession is complete."

The position is quite clear that India itself offered, not as a part or pre-condition or post-condition of accession, but unilaterally to the people of Jammu and Kashmir, that after the soil of Kashmir was cleared of the invaders and law and order had been restored, the wishes of the people would be ascertained. It is in this limited sense that accession was said at that time to be subject to the wishes of the people. This did not and could not affect the legality of accession, which, as I said in my statement and as I maintain, was absolute. The Indian Independence Act of 1947, which surely the Foreign Minister of Pakistan would not repudiate, does not speak of conditional accession or any right of secession of a Constituent State. Can he tell us if under that Act accession could be anything but complete and absolute? Does the Act contain any provision even remotely contemplating partial, temporary, inchoate, or conditional accession? Are there any words in the relevant provisions of the Act dealing with accession which are other than plain, straightforward and unambiguous?

The Prime Minister of India reaffirmed the same position while speaking in Parliament on 8 August, 1962 :

"All the States in India acceded in July or August or later that year (1947) on these three basic subjects—foreign affairs, communication and defence. Can anybody say that accession of any State was not complete in August or September or later in 1947 because it came in only on these three subjects? Of course not. It was a complete accession in law and in fact. So the accession of Jammu and Kashmir was complete in law and in fact on a certain date in October. . . . There the matter rests and it is not open to doubt or challenge."

Therefore we have never changed our position. Our position has remained the same from 1947 until today.

When I said that the two UN Commission's resolutions which we had accepted had become obsolete, I did not say it out of any disrespect for the Security Council. We are a founder-Member of the United Nations and we have the greatest respect for that Organization and particularly for the Security Council. But how else can you characterize a resolution which was adopted sixteen years ago and which has not been acted upon by Pakistan, except as obsolete? It is obsolete in the sense that its very bottom has been knocked out by the conduct of Pakistan itself. The Pakistan Foreign Minister has very wisely not referred to the false statements made by Pakistan with regard to its presence in Kashmir. The Foreign Minister has tried to get rid of those inconvenient facts by suggesting that they are irrelevant, because these events happened prior to the arrangement arrived at between ourselves, Pakistan and the Security Council. That is a total misreading of the UNCIP resolutions. I have said it before and I repeat that these resolutions were conditional and the condition was the vacation of aggression by Pakistan, which condition was not satisfied and has not been satisfied until today.

Pakistan apparently finds it difficult to explain its unlawful presence in Kashmir. The Foreign Minister has sought to dispose of this inconvenient question by saying that :

"The controversies which existed before the acceptance of an agreement cannot be revived; once the agreement is reached you cannot revive the controversy which led to the agreement."

It is a strange argument that because we had agreed to a compromise formula on certain conditions, the compromise becomes sacrosanct even if the conditions were not satisfied. It would indeed be a strange situation if one could not discuss tentative plans without being bound by them for all time. How could then one carry on negotiations? In the course of discussions many offers and suggestions may be made. These offers become binding if they are accepted. If they are not accepted, they terminate. If an offer is made and it is not accepted, or not implemented, it cannot stand for ever. We have made this clear on numerous occasions in the past and we have done so once again.

At no time did we abandon our sovereignty over the State of Jammu and Kashmir, and we have never agreed to any resolution which even by implication questioned this sovereignty. We have taken pains to see that this basic position adopted in the UNCIP resolutions of 13 August, 1948 and 5 January, 1949 is not departed from. We were naturally not prepared to modify these resolutions which had been accepted by both parties, particularly as the suggested modifications were only in favour of Pakistan. All the subsequent talks about "synchronization" and about "balanced forces" and so on were not contemplated by the UN Commission in its resolutions.

13 August 1948 Resolution Obsolete

I have just stated that the resolution of 13 August, 1948 has become obsolete and that the bottom has been knocked out of it by the conduct of Pakistan itself. May I briefly enumerate some of the major violations of the terms of this resolution by Pakistan?

First, continuing presence of Pakistan forces and Pakistan personnel in Kashmir.

This is not disputed by Pakistan.

Second, introduction of additional military equipment into occupied territory.

This again cannot be disputed by Pakistan.

Third, construction of airfields in occupied territory, thus creating bases for attack against India endangering its security.

Again, this is an undisputed fact.

Fourth, consolidation and incorporation of the occupied area of Jammu and Kashmir into Pakistan.

Again, there can be no dispute about this.

Fifth, using its membership of military pacts to increase Pakistan's military potential in Kashmir, and to strengthen the so-called "Azad Forces", officered, trained and equipped by Pakistan.

I do not think this can be challenged either.

Sixth, occupation of Northern areas.

They have been occupied by Pakistan.

Seventh, continuous threats of force and the creation of a war atmosphere, which are a constant menace to the cease-fire line.

I have given the Security Council innumerable instances of these threats of force and the creation of a war atmosphere.

Eighth, organizing and financing of subversion and sabotage in Jammu and Kashmir.

Almost every month in Kashmir there are instances of subversion and sabotage organized and financed from Pakistan.

Ninth, having no common border with the People's Republic of China, Pakistan has nevertheless negotiated with it Kashmir's border with Sinkiang, thus disrupting the territorial unity of the State of Jammu and Kashmir.

This is the most recent violation, giving away over 2,000 square miles of Kashmir to China in a so-called treaty rectifying the border between Pakistan and China. Pakistan has no border with China. The only border is our border, the border of Kashmir. They are in unlawful possession of that part of Kashmir and they try to give away somebody else's property.

Pakistan's Propaganda Contradicted

The Foreign Minister of Pakistan has referred to certain statements alleged to have been made by Kakhshi Ghulam Mohammed,

until recently the Prime Minister of Kashmir. I do not know the source from which he has obtained them. My instructions are that these statements are not genuine, and this is borne out by a clear-cut, straightforward statement made by Bakhshi Ghulam Mohammed, President of the National Conference, on 6 February, 1964. He appealed to "all patriotic elements" in the State as well as in other parts of the country to join hands in defending the country's freedom against increasing threats from Pakistan. He drew attention to the ever-increasing threats from Pakistan to the security of the State and "the malicious hate-India campaign unleashed by Pakistan Press and Radio". And he added :

"The need to close our ranks and forge unity among all those who believe in democratic secularism and planned economic progress of the nation has become paramount. It is time to forget and sink our past differences."

I quote again :

"Our representative in the Security Council"—he is referring to my humble self—"has voiced the true feelings of the people of Jammu and Kashmir by asserting once again that since the people of the State had already thrice expressed their verdict to become an integral part of India, the question of holding a plebiscite must be treated as closed. He"—that is, myself—"has correctly stated that Jammu and Kashmir is as good a part of India as any other State. Therefore, Pakistan has no right to meddle in our internal affairs. The issue which still remains unresolved is the continued illegal occupation of a large part of our territory by Pakistan. Immediate vacation of Pakistan's aggression is the only relevant subject needing consideration by the Security Council. It is, therefore, earnestly hoped that no further delay will be permitted in resolving this basic point."

I might point out that I received this very morning a telegram from Delhi saying that the statement on which the Pakistan Foreign Minister had relied is described by official circles in New Delhi and by Bakhshi Ghulam Mohammed himself in Srinagar as a crude forgery. I really think that when one relies on statements and flourishes them in the Security Council, one might take a little care and find out whether they are authentic and

genuine. A false statement was relied upon by the Foreign Minister of Pakistan and we have just received a telegram that it is a crude forgery and we have the statement of Bakhshi Ghulam Mohammed himself contradicting the statement relied upon by the Pakistan Foreign Minister.

There is a minor matter, but I must clear up the position. It may be true that as between the United Kingdom, Pakistan and India, India and Pakistan were successor-States to the United Kingdom, but there is no doubt that internationally Pakistan was a new State and India was the successor-State to undivided India. If that was not so, it was not necessary for Pakistan to have been admitted as a Member of the United Nations. If both of us were successor-States then both of us would have automatically become Members of the United Nations. The Foreign Minister has also referred to mediation and arbitration. Need I tell him that in the matter of sovereignty, there cannot be mediation or arbitration. It is the clear insignia of sovereignty that the country which claims sovereignty cannot permit adjudication about it, or leave it to some other country to decide whether in fact it is sovereign or not.

We have been told that four Indian divisions are stationed in Kashmir. I am not here to disclose military secrets. As in other sovereign States, our army, wherever stationed within our borders, is intended for the defence and security of our land and our people. Our people in Kashmir have nothing to fear from their own army. Indeed, aggression in Kashmir, by Pakistan on the one side and the People's Republic of China on the other, compels us to take adequate measures in self-defence. This is exactly what the late Mr. John Strachey, Member of Parliament, from whose communication to *The Observer* I quoted in my earlier statement, felt about our action.

I do not want to go again into the question of the Calcutta riots. I have already dealt with it. But it is totally false to suggest that the landlords have been allowed to make profit out of the property of poor Muslims which was burnt down. Both the Chief Minister of West Bengal and our Home Minister have made it clear that no one will be permitted to benefit by the troubles and misery which has been suffered by our Muslim

fellow citizens. The Home Minister went further : that, if necessary, even the Constitution would be changed to prevent landlords from making money out of the misery of the poor. Already the West Bengal Government has promulgated an ordinance to deal with this situation.

The Summing Up

To sum up, Pakistan came to the Security Council on two specific charges. One was that we were trying to "integrate" Kashmir further into India, and the second was that there is a grave situation in Kashmir which called for some action by the Security Council. In my submission, the Foreign Minister of Pakistan has failed to substantiate either of these allegations, and therefore there is nothing before the Council on which it need take action.

In conclusion, may I end on the same note that I did in my earlier statement? These recriminations, this unending debate, this making and answering of charges lead us nowhere. We are prepared to discuss all our outstanding differences with Pakistan, including Kashmir, once the bitter feelings and the communal passions have subsided. Pakistan can help in this by eschewing propaganda at home and abroad and by taking every measure to prevent incitement to communal passion in its press and on its radio. I wish to assure the Foreign Minister of Pakistan, with all the emphasis at my command, that Pakistan has nothing to fear from India. We have no aggressive intentions. We feel that in the prosperity of Pakistan lies the prosperity of the whole subcontinent of India, and this prosperity, both of India and of Pakistan, depends upon Hindus and Muslims in both the countries living peacefully side by side. Let us make every effort to come together and see whether we cannot take the necessary steps towards this end. This is essentially a matter for us to decide—Pakistan and ourselves. No intervention of a third party can be of much help. There are certain matters which can only be settled bilaterally, and the question of communal peace and harmony in India and Pakistan is one of these.



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